IMPROVING THE EFFECTIVENESS OF THE FEDERAL SURFACE TRANSPORTATION SAFETY GRANT PROGRAMS

(113–50)

HEARING

BEFORE THE

SUBCOMMITTEE ON
HIGHWAYS AND TRANSIT

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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Ranking Member

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January 23, 2014

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Highways and Transit
FROM: Staff, Subcommittee on Highways and Transit
RE: Subcommittee Hearing on "Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs"

PURPOSE

The Subcommittee on Highways and Transit will meet on Tuesday, January 28, 2014 at 10:00 a.m. in 2167 Rayburn House Office Building to receive testimony related to the federal surface transportation safety grant programs. The Subcommittee will hear from representatives of the National Transportation Safety Board; the American Traffic Safety Services Association; the Commercial Vehicle Safety Alliance; the Governors Highway Safety Association; and the Intelligent Transportation Society of America.

BACKGROUND

The Importance of the Federal Surface Transportation Safety Grant Programs

Since enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU; P.L. 109-59), highway fatalities declined from 43,510 in 2005 to 33,561 in 2012. While many factors contributed to this historic 23 percent decline in highway fatalities, increased federal investment in surface transportation safety has played a significant role. As Congress begins work on reauthorizing the federal-aid surface transportation programs, it is important to build upon the gains made in the safety of America's transportation infrastructure and the traveling public.

The federal surface transportation safety grant programs provide states with funding intended specifically for reducing fatalities and crashes on our Nation's surface transportation system. These safety grant programs require states to identify their unique safety challenges and develop a safety plan that targets funding toward safety projects and activities that address those challenges. In addition, states are required to focus their funds on different aspects of surface

transportation safety such as; highway safety infrastructure; motor carrier safety; and driver behavioral safety.

Congress most recently reauthorized the federal surface transportation safety grant programs in the Moving Ahead for Progress in the 21st Century Act (MAP-21; P.L. 112-141), which was enacted on July 6, 2012. MAP-21 made significant reforms to the following surface transportation safety grant programs:

The Highway Safety Improvement Program

MAP-21 continued the Highway Safety Improvement Program (HSIP; 23 U.S.C. 148) as a core federal-aid highway program and doubled the funding level to $2.17 billion in fiscal year 2013 and $2.19 billion in fiscal year 2014. The Federal Highway Administration (FHWA) is responsible for administering the HSIP at the federal level. In each state, the HSIP is administered by the state department of transportation. The goal of the program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-state-owned public roads and roads on tribal lands. The HSIP requires a data-driven, performance-based approach to improving highway safety on all public roads.

MAP-21 made the following changes to the HSIP:

- The FHWA is required to establish performance measures for the states to use in assessing the number and rate of fatalities and serious injuries;
- The Strategic Highway Safety Plans are now required to be updated and evaluated regularly by each state;
- States are required to obligate funds on High Risk Rural Roads if the fatality rate is increasing on those facilities; and
- The annual reports from the states will be posted on FHWA's website.

The Motor Carrier Safety Assistance Program

MAP-21 continued the Motor Carrier Safety Assistance Program (MCSAP; 49 U.S.C. 31102) and funded the program at $215 million in fiscal year 2013 and $218 million in fiscal year 2014. MCSAP is a federal grant program that provides financial assistance to states to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles (CMV). The Federal Motor Carrier Safety Administration (FMCSA) is responsible for administering the MCSAP grants at the federal level. In each state, grants are administered by the designated motor carrier safety office. The goal of the MCSAP is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. Investing grant monies in appropriate safety programs increases the likelihood that safety defects, driver deficiencies, and unsafe motor carrier practices are detected and corrected before they become contributing factors to crashes.

MAP-21 made the following changes to the MCSAP:

- The FMCSA is required to dedicate sufficient funds to ensure that motor carrier safety data collected is accurate, complete, and timely; and
- The New Entrant Grant set-aside, which provides funding for safety audits of new entrant interstate motor carriers, was raised to $32 million for each of fiscal years 2013 and 2014.

State and Community Highway Safety Grants

MAP-21 continued the State and Community Highway Safety Grants (Section 402 Grants; 23 U.S.C. 402) at $235 million in each of fiscal years 2013 and 2014. Section 402 Grants are used to support state and community programs that seek to reduce deaths and injuries on all public highways. In each state, grants are administered by the Governor's Representative for Highway Safety. Section 402 Grants can be used for a variety of safety initiatives including conducting data analyses, developing safety education programs, and conducting community-wide safety campaigns. Section 402 Grants are jointly administered by the National Highway Traffic Safety Administration (NHTSA) and FHWA.

MAP-21 made the following changes to the Section 402 Grants:

- States are required to include performance measures and targets in their annual Highway Safety Plan;
- Teen traffic safety programs are eligible grant activities; and
- Section 402 and 405 grant application deadlines were consolidated and set at July 1 of each fiscal year.

MAP-21 is set to expire on September 30, 2014. As a result, reauthorization of the federal surface transportation safety grant programs is a priority for the 113th Congress.

WITNESS LIST

The Honorable Christopher A. Hart
Vice Chairman
National Transportation Safety Board

Mr. Douglas B. Danko
Chairman
American Traffic Safety Services Association

Sgt. Thomas Fuller
New York State Police
On behalf of the Commercial Vehicle Safety Alliance

Mr. Kendall Poole
Director
Tennessee Governor's Highway Safety Office
On behalf of the Governors Highway Safety Association

Dr. Peter Sweatman
Director
University of Michigan Transportation Research Institute
On behalf of the Intelligent Transportation Society of America

IMPROVING THE EFFECTIVENESS OF THE FEDERAL SURFACE TRANSPORTATION SAFETY GRANT PROGRAMS

TUESDAY, JANUARY 28, 2014

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m. in Room 2167, Rayburn House Office Building, Hon. Thomas E. Petri (Chairman of the subcommittee) presiding.

Mr. PETRI. The subcommittee will come to order. Today's hearing will focus on how Congress can improve the effectiveness of the surface transportation safety grant programs.

The current Federal surface transportation authorization, MAP–21, expires on September 30th of this year. As Congress begins work on drafting the successor to MAP–21, we must understand what the most effective and innovative safety projects and activities are, in order to improve the safety of the traveling public.

In 2012, 33,561 fatalities occurred on our Nation's highways, according to the National Highway Traffic Safety Administration. Highway fatalities in 2012 remain at historic lows, and match levels not seen since 1950. While these safety trends are encouraging, much more can be done to further reduce highway fatalities and crashes.

Federal surface transportation safety grant program provides States with resources to target their specific safety issues. Each State faces unique safety challenges that demand a data-driven, performance-based safety approach. It is important to give States the flexibility they need to address their unique highway safety challenges. But at the same time, States must be held accountable for how they are spending their limited Federal resources. And that is why MAP–21 requires States to include safety performance targets into their annual highway safety plans.

One of the largest Federal safety programs is the Highway Safety Improvement Program, which apportions over $2 billion among the States to address highway safety infrastructure challenges. Each State is required to have a strategic highway safety plan that identifies safety problems through data analysis and determine the appropriate safety countermeasures. Examples of how this funding can be used include improving a dangerous section of highway by installing guardrails and rumble strips, or improving highway design to make an intersection safer for motorists and pedestrians.

States also receive Federal-aid funding to address highway driver behavior issues through the State and community highways safety grants, otherwise known as section 402 grants. Each State is required to have an annual highway safety plan that identifies their unique driver behavior issues, and determine the appropriate safety countermeasures. Example of how this funding can be used include drunk driving and seatbelt enforcement, or community outreach and education activities.

Commercial motor vehicle enforcement is another important Federal safety priority. States receive funding from the motor carrier safety assistance program, which provides resources for States to enforce Federal commercial motor vehicle regulations. Funding is targeted on investments that promote safe commercial vehicle transportation of property, passengers, and hazardous materials. Through motor carrier and driver data systems, States are able to target the most unsafe carriers and drivers for enforcement. States must set program goals and meet performance benchmarks in order to be eligible for program funding.

Technology is one area that can help States improve the effectiveness of their Federal surface transportation safety grants. States can further adopt and deploy innovative technologies that reduce highway fatalities and crashes, and help enforcement officials target the most unsafe drivers.

As vehicles become more autonomous and connected, intelligent transportation infrastructure assistance will give States more ways to create a safer traveling experience for Americans. Such systems could warn drivers of dangerous road conditions ahead, or assist the driver in making safer driving decisions.

So, I trust today's hearing will provide our subcommittee members with insight into the Federal surface transportation safety grant programs, and how we can better leverage our limited Federal resources to reduce fatalities and injuries on our Nation's roads.

I look forward to hearing from our witnesses this morning, and now would recognize our senior Democrat, Eleanor Holmes Norton, for any statement she would like to make.

Ms. NORTON. Thank you very much, Chairman Petri, for holding this very important hearing, and making it a hearing on safety, as the second hearing in our effort to move toward a reauthorization of the surface transportation bill. I think this shows just the right focus, as we seek to reauthorize MAP–21.

Last year, more than 3,000 people were killed, and over—and more than 2.3 million people were injured in accidents on our roads. Automobile crashes remain one of the leading causes of death for Americans between the ages of 5 and 34. Every one of these lives lost is a tragic reminder that we can and must do more to enhance safety on our roads.

For the past decade, the Federal Government has made significant investments in highway safety, and has directed Federal funds into those activities that, when implemented by the States, result in maximum accident prevention and reduction. Since 2005, we have witnessed an impressive 23-percent drop in highway fatalities.

Unfortunately, in 2012, fatalities were higher than 2011, reversing this trend of safety improvement. I am curious to discover what accounts for that, if it is just a blip or some other reason. The next reauthorization provides an opportunity to boost our investment in safety, to target those activities that save lives and prevent injuries, and to promote safety in innovative ways, such as through the assistance of exciting new technologies.

Truck safety is another area where more can and must be done to improve safety, both for travelers who share highways with trucks, and for the men and women who drive trucks. These individuals work in unimaginably difficult operating environments with highway congestion, heavy demands from shippers and receivers, and with incredibly tight economic margins in which to try to earn a living. I recently became aware of many—that many of the drivers new to the industry do not receive sufficient training before they are expected to drive. I am very interested in the ways the Federal Government might improve safety through the setting of standards, or addressing basic working conditions in the industry, which I believe will result in significant safety gains. And we can achieve this without expending many more Federal dollars.

Highway safety is not the only responsibility of this subcommittee. Americans took more than 10 billion—that is with a B—trips on transit last year alone. While public transportation is a relatively safe mode of travel, when accidents occur the results are often tragic. Delays or suspensions of service as a result of an accident affect all riders in the system.

Right now, in the District of Columbia—right here, in the District of Columbia, excuse me—the 2009 Metro crash at the Fort Totten rail station killed 9 people, and 52 others were transported to local hospitals. More recently, accidents on transit systems in Chicago and San Francisco, and the Metro-North Railroad in Connecticut and New York are stark reminders that we must remain vigilant about safety in all our transit rail systems—including our rail systems.

MAP–21 provided the Federal Government with a long overdue authority and responsibility to oversee the safety of transit systems that receive Federal grants. This is perhaps the most important safety regulation passed by the Federal Government in decades, and it occurred only after the Metro crash in 2009, when we learned that, of the modes of transportation, only Metrorail was without any Federal regulations whatsoever.

And we will hear testimony this morning from the National Transportation Safety Board first recommended—that first recommended that the Federal Government be given authority to regulate the safety of transit systems way back in 1981. I look forward to hearing from Vice Chairman Hart on recent progress that has been made on transit safety at WMATA and other systems across the United States.

Let me close by saying that safety is not only about lives lost, as important as that is. And that should always be at the front of our minds. Improving safety also affects mobility. According to the AAA, in urban areas the total cost of traffic crashes, nearly $300 billion—that is another B—per year, is over three times the cost

of congestion. The investments we make to save lives also ensure that we truly keep America moving forward.

I look forward to hearing testimony from today's witnesses.

I would like to note that, unfortunately, there are many key stakeholders who were not invited to testify today. I asked for their input and would like to ask unanimous consent that their safety priorities and recommendations to Congress be a part of the record. The OOIDA, Teamsters Advocates for Highway and Auto Safety, MADD—Mothers Against Drunk Driving, and Road Safe America would like statements of their safety priorities submitted for the record, Mr. Chairman.

[No response.]

Mr. PETRI. Without objection, so ordered.

[Please refer to pages 118–217 for the information submitted for the record by Hon. Norton.]

Mr. PETRI. And the ranking member of the full committee, Mr. Rahall from West Virginia, is recognized.

Mr. RAHALL. Thank you, Mr. Chairman. I appreciate your holding this important hearing. Ensuring the safety of users of the transportation network is a core function of the Committee on Transportation and Infrastructure. Further preventing the tragic loss of life and injuries that occur every day on our roads will be a top priority of the committee in the next surface transportation authorization bill.

One area that has been a priority for me is addressing the unique challenges with railway-highway grade crossings. Last year there were nearly 2,000 incidents at grade crossings, resulting in 233 deaths and 921 injuries. While the number of crashes at grade crossings is down 82 percent since 1980, nearly all crashes at grade crossings are preventable.

The primary means of Federal investment in grade crossing safety is the Section 130 Railway-Highway Crossings Program. This program provides Federal funds to States to make grade crossing safety enhancements. According to the Federal Railroad Administration, the section 130 program—and I quote—"has helped prevent over 10,500 fatalities and 51,000 nonfatal injuries." MAP–21 preserved the budgetary set-aside for this important safety program, which provides States $221 million annually to assist in making grade crossing safety improvements. Without this dedicated funding, grade crossing needs would fare poorly in competition with other highway investment needs.

So, I am pleased to report that, in recent years, States have been obligating significantly more funds towards safety improvements at grade crossings. Since the dedicated set-aside was created under the Highway Safety Improvement Program, States have obligated nearly 75 percent of their available funding. This is up from only 26 percent in fiscal year 2006. Continuing to provide dedicated funding towards this important safety program will mean more injuries averted and more lives saved at the Nation's more than 212,000 grade crossings.

Once again, Mr. Chairman, I thank you and Ranking Member Eleanor Norton, for holding this important hearing, and I look forward to working with you to reauthorize the surface transportation

programs and to improve—continue to improve the safety of our Nation's highways. Thank you.

Mr. PETRI. Thank you. And statements by other Members will be made a part of this record.

Welcome to the witnesses today. The panel consists of the Honorable Christopher A. Hart, Vice Chairman of the National Transportation Safety Board; Douglas B. Danko, chairman, American Traffic Safety Services Association; Sergeant Thomas Fuller, New York State Police, on behalf of the Commercial Vehicle Safety Alliance; Mr. Kendell Poole, director, Tennessee Governor's Highway Safety Office on behalf of the Governors Highway Safety Association; and Dr. Peter Sweatman, who is the director, University of Michigan Transportation Research Institute, on behalf of the Intelligent Transportation Society of America.

Welcome to all of you. Thank you for the effort that went into the prepared statement by you and your organizations. And we would invite you to make your best effort to summarize those statements in about 5 minutes, beginning with Mr. Hart.

TESTIMONY OF HON. CHRISTOPHER A. HART, VICE CHAIRMAN, NATIONAL TRANSPORTATION SAFETY BOARD; DOUGLAS B. DANKO, CHAIRMAN, AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION; THOMAS FULLER, SERGEANT, NEW YORK STATE POLICE, AND PRESIDENT, COMMERCIAL VEHICLE SAFETY ALLIANCE; KENDELL POOLE, DIRECTOR, TENNESSEE GOVERNOR'S HIGHWAY SAFETY OFFICE, AND CHAIRMAN, GOVERNORS HIGHWAY SAFETY ASSOCIATION; AND PETER F. SWEATMAN, PH.D., DIRECTOR, UNIVERSITY OF MICHIGAN TRANSPORTATION RESEARCH INSTITUTE, AND CHAIRMAN, INTELLIGENT TRANSPORTATION SOCIETY OF AMERICA

Mr. HART. Thank you. Good morning, Chairman Petri and Ranking Member Norton, and members of the subcommittee. I am Christopher Hart, Vice Chairman of the National Transportation Safety Board. Thank you for inviting the NTSB to testify today to help inform this process with lessons we have learned from investigating crashes.

During the past year, the NTSB's highway and rail divisions have been busy investigating several accidents across the country. On our highways we investigated several truck and motorcoach accidents, resulting in 25 deaths and more than 85 injuries. Our teams continue to investigate the Skagit River Bridge collapse on Interstate 5 in Washington State, and the highway rail grade crossing accident in Baltimore County, Maryland, that resulted in a train derailment followed by a major explosion.

In rail, Metro-North had four major accidents since May of 2013. These events resulted in 5 fatalities and 135 injuries. Also, the Chicago Transit Authority and Bay Area Rapid Transit had accidents this past fall, and we continue to investigate those accidents.

We also continue to monitor Washington Metro's implementation of its recommendations from the 2009 Fort Totten accident that was mentioned previously. Just last week, WMATA completed another recommendation so that 8 of those recommendations out of

18 remain open. WMATA indicates that it will implement those remaining eight recommendations.

The vast majority of transportation fatalities, however, occur on our Nation's highways, with more than 30,000 fatalities every year. Much more can be done to improve safety in areas of impaired driving, distracted driving, fatigued driving, and motor carrier oversight. Fortunately, the technologies to help drivers avoid crashes are improving every day. For example, NHTSA estimates that connected vehicle technology can reduce the number of non-impaired multivehicle collisions by as much as 80 percent.

To limit the effects of alcohol impairment and fatigue, systems are being developed to prevent alcohol-impaired drivers from starting their vehicles, and to detect if a driver is becoming too drowsy to drive. Although some of these technologies are still in development, technology such as forward collision warning and avoidance systems are available now, but need to be more widely deployed in the motor vehicle fleet, as standard equipment, rather than as an option only for those who can afford it.

Unfortunately, the crash scenes that we see usually are not new to us. The same contributing factors present themselves over and over again. Our job is to help improve safety, and we make recommendations from each accident to help accomplish this goal. Many times our recommendations are challenging and take time, effort, and will to implement. But, as we have seen, safety can be significantly improved with advancements such as airbags and seatbelts. Years ago, these were hard-fought accomplishments. But today, they are standard equipment on every new car we buy.

The traveling public demands safety, and policymakers have made important strides in promoting it. You can continue to do so through your work on the next surface reauthorization bill. I encourage you to keep the bar high regarding safety, to ensure that together we can further reduce the numbers of transportation fatalities and injuries.

The NTSB does not need to investigate another accident to relearn the same lessons. We have the facts and we have the knowledge. What is needed now is the will.

This concludes my testimony, and I am prepared to answer your questions. Thanks again for having the NTSB testify today.

Mr. PETRI. Thank you. Mr. Danko.

Mr. DANKO. Chairman Petri, Ranking Member Norton, and members of the subcommittee, thank you for the opportunity to testify today on behalf of the American Traffic Safety Services Association, or ATSSA. My name is Douglas Danko, and I am ATSSA's chairman and recently retired president of Protection Services, Inc. ATSSA is an international trade association which represents 1,600 members who manufacture, distribute, or install roadway safety infrastructure devices.

We all recognize the current condition of the Federal Highway Trust Fund. In order to make progress on reducing roadway fatalities, the fiscal situation of the Highway Trust Fund must be addressed and made sustainable. ATSSA is committed to working with Congress to find additional revenue options that will invest in our infrastructure, save lives, and create jobs. And all funding options should be on the table.

MAP–21 made great strides in making roads safer. However, more must be accomplished. The Highway Safety Improvement Program, or HSIP, was increased to $2.4 billion annually, which represents a commitment by Congress to safety. Tragically, in 2012, more than 33,000 people still died on America's roads. Even though the loss of a loved one cannot be truly captured in dollar figures, the National Highway Traffic Safety Administration does value a statistical life at $9.1 million. The good news is that since the HSIP was created, there has been a dramatic decrease in roadway deaths, and we must continue this focus on safety.

Projects that are eligible under HSIP generally have been very high return on investment. States are finding that a small infrastructure investment can yield large reduction in crashes. According to a June 2010 study conducted by SAIC, the HSIP yields a benefit cost ratio of 42-to-1. The study notes that for every $1 million increase in safety obligations, roadway fatalities were annually reduced by seven. ATSSA recommends that the HSIP be continued as a core program, and that the investment in that program be increased to $3 billion annually, or 10 percent of the overall Federal-aid highway program, whichever is greater.

In the next reauthorization, Congress should eliminate the States' ability to transfer funds from the HSIP to other core highway programs. It is true that States need degrees of flexibility when focusing on the individual project needs. However, with more than 33,000 fatalities occurring each and every year, taking funds away from the core safety infrastructure program seems counterproductive.

Also, when MAP–21 was crafted, the legislative language—but is not limited to—was added before the list of eligible HSIP activities. Unfortunately, this language has been interpreted to mean that any safety project, infrastructure or not, may be eligible under the HSIP, thus diluting the core purpose of the program.

In the next reauthorization, ATSSA recommends focusing the language to reflect more on additional safety infrastructure devices, instead of the open-ended interpretation currently used by the Federal Highway Administration. Currently, local agencies often do not have the resources necessary to address their safety concerns. According to the FHWA, the fatality rate on rural roads is two-and-a-half times greater than on urban roads. The next reauthorization should include language to help streamline the process to allow local governments to utilize the HSIP funds and the technical expertise that State DOTs have in order to make local and rural roads as safe as possible.

In addition, older drivers are an important aspect of roadway safety. Because there is a clear need for older driver safety infrastructure solutions into the future, the next reauthorization should include language that assists States and local transportation departments in planning for and implementing cost-effective safety infrastructure solutions.

Finally, work zone safety should continue to be an area of focus. And the next reauthorization should continue to fund the Work Zone Safety Grant and expand its eligible activities. We must protect our workers who are exposed to dangerous roadway conditions,

such as heavy traffic and speeding, while ensuring that road users, including pedestrians, have safe passage through those work zones.

On behalf of ATSSA, I thank you for this opportunity to testify about America's safety infrastructure needs, and how we all can move our Nation towards zero deaths on our roads. Thank you.

Mr. PETRI. Thank you. Sergeant Fuller.

Mr. FULLER. Thank you, Mr. Chairman, Ranking Member, members of the subcommittee. Thank you for holding this important hearing, and for inviting the Commercial Vehicle Safety Alliance to testify. My name is Tom Fuller. I am a sergeant with the New York State Police, and the current president of the Commercial Vehicle Safety Alliance.

The Alliance represents State, provincial, and Federal commercial vehicle safety officials responsible for enforcing the safety regulations in the United States, Canada, and Mexico. We work to improve commercial vehicle safety and security by bringing safety enforcement agencies together, along with industry representatives, to solve problems and, more importantly, to save lives. I oversee the commercial vehicle enforcement unit for the New York State Police, and I am responsible for administrating the State's grant funds under the Motor Carrier Safety Assistance Program.

Effective Federal grant programs like MCSAP are critical to ensuring safety on our Nation's highways. The Federal Government provides funds through the MCSAP to the States for the enforcement of this country's motor carrier safety regulations. The States use these funds for training, enforcement activities, purchase equipment specific to this idea, update software, and, more important, to conduct educational campaigns about commercial motor vehicle safety.

The MCSAP is effective in reducing crashes and saving lives. However, there are a number of improvements that could be made to streamline the program, improve efficiency, and make better use of limited resources. MCSAP is plagued by inconsistencies and red tape. To address these challenges, CVSA has developed a series of recommendations, which are more fully outlined in our written testimony.

There are several administrative changes that, if made, would dramatically improve MCSAP efficiency. First, provide States with additional flexibility, so we can fully leverage resources and improve program efficiency. Rather than provide a prescriptive requirement, FMCSA should focus on outlining program parameters and goals, and then allow the States to develop solutions that are unique to our States that fit the program.

We recommend streamlining the commercial vehicle safety plan process to eliminate unnecessary administrative burdens on States, while improving the effectiveness of these plans. There are programs by the Federal Highway Administration and the National Highway Traffic Safety Administration from which FMCSA can borrow.

In addition, moving to a longer term CVSP process—let's say 3 to 5 years—will reduce administrative burdens on the States and FMCSA, freeing up resources on both the States and the Federal Government. States also need more consistency, funding needs to be predictable and steady, and the grant application review process

should be standard from State to State and year to year. FMCSA should have clear deadlines for when they have to meet their obligations to States, just like the States must do for the Federal Government.

In addition to the process changes, there are policy changes that are necessary to maximize effectiveness and efficiency within MCSAP. We need to eliminate, as much as possible, the inconsistencies within the program, which only lead to confusion and draw much-needed resources away from the program activities.

Enforcement and industry alike must be able to understand the regulations. Unfortunately, however, over time, additional regulatory authority, coupled with changes to the industry and technology advancements, results in inconsistent, outdated, and redundant regulatory language. To address this, CVSA supports requiring FMCSA, in collaboration with stakeholders, conduct a full review of the regulations every 5 years, geared towards reducing, enhancing, and streamlining the regulations, eliminating outdated and duplicative regulations, and clarifying those that need adjustment.

This requirement would also help reduce some of the disconnects that exist between the regulations and the regulatory guidance interpretations and policy memos issued by FMCSA. Furthermore, requiring that FMCSA publish all petitions for changes to regulations in the Federal Register, as they do for exemptions, would help provide clarity for both industry and enforcement, and promote greater collaboration.

Next, I would like to address the legislative exemptions. First and foremost, safety regulations exist to protect those on our Nation's roadways, and exemptions undermine safety. Furthermore, every new exemption is an opportunity for confusion and inconsistency in enforcement, diverting scarce resources from our other activities and undermining program effectiveness. CVSA opposes any and all legislative exemptions or, at the very least, when being considered exemptions should be required to include a safety clause which would provide for monitoring and a mechanism to eliminate the exemption, should it negatively impact safety.

Further, CVSA supports removing crashes involving exempted industries from the criteria used to determine grant awards to States. Simply put, we should not be punished for segments of the industry that we do not have authority over.

Finally, while the focus of this hearing is on improving efficiencies, I believe it is necessary to say a word about the need for adequate and reliable funding. New and expanded responsibilities mean improvements in safety, but only in as much as the States are able to effectively implement those policies. It is critical that Congress and FMCSA ensure that all new programs are created with funding that is provided to the States, avoiding any unfunded mandates. Otherwise, effectiveness suffers.

We recognize that the issue of funding for the Federal transportation program is a complicated one with no easy solutions. CVSA strongly supports the ongoing efforts to identify sustainable, long-term revenue sources to address the Highway Trust Fund solvency in order to ensure stability for MCSAP.

In closing, I would like to reiterate that, despite the challenges, MCSAP works well. We have seen a steady reduction in commercial motor vehicle crashes and fatalities since inception. CVSA has a good working relationship with FMCSA and we work together as much as possible to address this issue. The unfortunate fact is that there are still significant challenges that are hampering program efficiency and effectiveness. There are a number of options available for improving efficiency and reducing redundancy in the system that will allow for better leveraging of Federal funds.

We look forward to working with this committee and FMCSA develop and implement creative solutions to continue to improve our Nation's motor vehicle safety program. Thank you.

Mr. PETRI. Thank you. Mr. Poole.

Mr. POOLE. I am Kendell Poole, chairman of the Governors Highway Safety Association. I would like to thank the subcommittee for the opportunity to testify here today. GHSA represents State highway safety offices in all 50 States, the District of Columbia, and United States territories. GHSA members administer the behavioral highway safety grant programs under MAP–21.

Although we have made some significant progress, there were still more than 33,000 traffic-related fatalities and more than 2 million injuries in 2012. In addition to the mental and emotional toll on families, crashes also cost the Nation an estimated $230 billion annually to address this problem. The Federal Government must make the reduction of highway fatalities and injuries a national priority, and play a strong role in developing highway safety policies and programs.

As Congress considers reauthorization for highway safety programs, GHSA recommends enacting a long-term reauthorization to help States develop comprehensive strategic plans and undertake needed multiyear projects such as data and traffic record systems improvements. This reauthorization should also contain provisions to reduce the administrative burden placed on States required to prepare the grant application and manage the program and alter the current maintenance of effort requirements to provide relief to economically distressed States. States should not be required to use outdated data in developing their highway safety plans. They should have the option of using the most recent State or Federal data, rather than being required to use FARS data, which is often a year or more behind other sources.

Congress should restructure the Section 405 National Priority Safety Program to make significant changes to tiers addressing impaired driving, motorcyclist safety, distracted driving, and teen driving. These include allowing States that grant rare exemptions to ignition interlock requirements to qualify for impaired driving funds, simplifying the distracted driving program to reward States that enforce primary texting bans for all drivers and complete cell phone bans for novice drivers. The teen driving incentive needs to be restructured to reward States with strong teen driving laws.

States are in need of additional section 402 money to address issues such as excessive speeding, drugged driving, distracted driving, and other emerging safety challenges. To increase the support of the section 402 program, Congress should allow NHTSA to

transfer a portion of the unobligated section 405 money into section 402.

MAP–21 authorizes a cooperative research and evaluation program of $2.5 million annually. Utilizing 402 funds, the program is administered by NHTSA, but managed jointly by NHTSA and GHSA. Despite previous efforts, only a small portion of behavioral highway safety countermeasures have been adequately researched. Without sufficient research to indicate what works and what doesn't, States may be forced to implement programs without an appropriate research basis. To address this, GHSA recommends that funding for behavioral research be supported, and the cooperative NHTSA–GHSA program continue.

Finally, GHSA does not support sanctions, as we believe they are untargeted and counterproductive. States are already subject to seven safety-related sanctions, and evidence on their effectiveness is mixed. GHSA recommends an incentive-based approach to encourage changes in State policies and programs.

And finally, I would like to thank you for the opportunity to testify, and I will be happy to answer any questions.

Mr. PETRI. Thank you. Dr. Sweatman.

Dr. SWEATMAN. Chairman Petri, Ranking Member Norton, members of the subcommittee, thank you for the opportunity to testify about Federal transportation safety grant programs, and how we can improve their effectiveness. I am honored to share my views, both as a recipient of Federal safety grants through the University of Michigan Transportation Research Institute, and on behalf of the Intelligent Transportation Society of America, which brings together the transportation and technology communities.

We are looking forward to working with members of this subcommittee to pass a reauthorization bill that builds on the reforms in MAP–21, and that deploys innovative technologies for improving safety and for providing greater mobility to America's transportation users.

Through Federal safety grant funding, vehicles, infrastructure, and driver behavior come together under powerful enabling technologies. The whole is much greater than the sum of the parts, serving the national interest.

Several megatrends currently affect the way the safety systems are developed. The auto industry is increasing the pace of deployment of sensors. The burgeoning consumer electronics industry reduces costs for key enabling technologies. And advances in wireless communication revolutionize sensing between vehicles and infrastructure. These trends mean that a wider range of industry sectors need to be collaborating, and research needs to be carried out on a very large scale, under real-world operating conditions.

The true goal is no less than crash prevention. Despite a long and meritorious history of vehicle and driver safety measures, we still bear the national burden of 33,000 fatalities every year.

Working collaboratively with stakeholders, the U.S. Department of Transportation is developing vehicle-to-vehicle and vehicle-to-infrastructure communications, known as Connected Vehicle Technology, to prevent vehicles from crashing. This innovative technology relies on the interference-free use of dedicated spectrum in the 5.9 gigahertz band, which was set aside by the Federal Com-

munications Commission. The National Highway Traffic Safety Administration estimates that a fully deployed Connected Vehicle Network could address 80 percent of all nonimpaired crash scenarios, an astounding figure representing thousands of lives saved.

And it is not just cars talking to cars, but also trucks talking to cars and motorcycles, and even buses talking to pedestrians. At UMTRI, we are conducting the largest naturalistic test of Connected Vehicle Technology in the world in Ann Arbor, Michigan, the federally funded safety pilot model deployment. The data from the safety pilot are being used by NHTSA to determine the most effective path toward full-scale deployment of this life-saving technology. This is a truly revolutionary partnership, and a great example of what can happen when the Government works with private-sector innovators, researchers, and State and local agencies who manage the infrastructure to accomplish big things.

This could not happen without Federal leadership shaping how such a system could operate, and establishing certain parts of its architecture. The safety pilot is an example of how Federal safety grants can be used to leverage State and local dollars and private-sector investment. The model deployment has had sufficient impact on Michigan institutions that plans were developed and funding identified to create a full regional deployment of connected vehicles in southeast Michigan.

Recognizing connected, automated vehicles as a critical driver of economic growth, the State partnered with the University of Michigan to develop a new center devoted to the deployment of connected and automated systems, including a unique off-roadway test facility for automated vehicles. Manufacturers from all over the world are expected to use this facility to evaluate their technologies for on-road use.

These and other innovations will be showcased from September 7 to 11 of this year in Detroit, during the 21st World Congress on Intelligent Transportation Systems. ITS America is proud to be staging this must-attend event for experiencing an unprecedented wave of innovation and mobility. Please come.

Finally, today as ITS technologies reach far beyond safety, there are equally significant benefits for mobility, accessibility, energy efficiency, and the environment. Stronger, more timely coordination between Federal agencies is needed to recognize the transformational nature of the technology, and to protect essential enablers such as high-performance wireless spectrum.

Thank you again for the opportunity to testify, and I look forward to answering your questions.

Mr. PETRI. Thank you. Thank you all for your testimony. I have a couple questions, and I am sure other members of the panel do, as well.

I think the first area that I wondered if, Mr. Poole, you could expand on a little bit, you indicated that—kind of speaking on behalf of the States, that you felt that more sanctions in terms of trying to force States to promote safety would not be as effective as focusing more on incentives.

And this is—several of us have been active in aviation over the years, and this has been a debate, as to how to get highway safety and their—I mean aviation safety. And most of the experts in the

field, as much communication—as open, analyzing problems, are much better than whenever there is a mistake punishing people, because no one really wants an accident, whether it is in the air or on land. But if you get punished when it occurs or you could be blamed for it, there is an effort to kind of cover up or there are incentives that are counterproductive, in terms of the bigger picture.

And I don't know if that is what your thinking is on that, or if you could expand on why we shouldn't, you know, lean on the States harder, rather than encouraging them to use their own imagination and innovative instincts.

Mr. POOLE. All right, thank you, Mr. Chairman, and I will be glad to try to answer that.

You know, we represent so many different States across the country that we have seen incentives and sanctions before in behavioral highway safety. And, historically, incentives have worked much better for the States. We have been able to save more lives, which is what we are about, with incentives. It gives the States more—a more broad range of creativity in how they implement those programs with incentives. So we support incentives over sanctions.

Mr. PETRI. Thank you. The—question for Dr. Sweatman. Do you have any particular suggestions that Congress might consider to make the intelligent transportation deployment program more effective in our next reauthorization bill? Or is legislative tweaking not the issue here?

Dr. SWEATMAN. Thank you, Mr. Chairman. I think my message would be all about deployment, real deployment. So we have had many demonstrations, we have had a lot of research. We need deployment. And I think we will be considering that in terms of either city deployments or regional deployments of ITS.

One of the exciting things about ITS is the ability to, for performance management of the transportation system, we haven't really been able to roll that out nationally in the past. But as we get ITS deployment, real deployment, we have the ability to collect the data we need to evaluate the benefits of various transportation projects. And we think there is a lot of cross-cutting benefit for many different types of ITS technologies being deployed in the same environment, whether that is a city or whether that is a regional deployment. And that would include innovative pricing schemes along with integrated corridor management schemes and the sort of connected vehicle technologies that I already talked about.

So, as we bring all of those technologies together, and we use the data that is being generated to manage the system better and understand the benefits, I think that is when we start to see real improvements. And we need more deployment.

Mr. PETRI. Thank you. Ms. Norton?

Ms. NORTON. Thank you very much, Mr. Chairman. And I appreciate all of the testimony. I found it, your written testimony and the testimony I was able to hear, very informative.

Could I first go to truck safety standards? And, Sgt. Fuller, you indicated that States were being penalized for fatalities that occur, and parts of the industry, really, are exempt from regulation. Are you saying that industries exempt from regulation—the primary

one that comes to mind is agriculture—are involved in a significant number of crashes? How significant is that number?

Mr. FULLER. As you mention, the agriculture industry is exempt from a lot of the regulations. Is it a large amount of crashes? No. But as we all know, the Federal Government works off of consistent data. And no matter what happens, those crashes goes into the FARS data, it goes into the large truck causation study data. And that negatively affects the States, because our grant money is based upon a lot of that data that the Federal Government——

Ms. NORTON. So are you saying that since they are exempt, their accident rate should not be in the database?

Mr. FULLER. Yes, I am.

Ms. NORTON. Could I ask Mr. Hart whether NTSB supports behind-the-wheel driving for entry-level drivers—training, I am sorry, behind-the-wheel training for entry-level truck drivers. Or do you feel that the current regulations are sufficient?

Mr. HART. Thank you for the question. We have made recommendations regarding training over the years. For a commercial driver's license, all you needed to do is pass the test. There is no regulated training requirement.

For example, in an accident in which a schoolbus rear-ended another schoolbus, we recommended training regarding safe following distances.

Ms. NORTON. So, even then, even with those schoolbuses——

Mr. HART. Correct.

Ms. NORTON [continuing]. Behind-the-wheel training does not occur.

Mr. HART. Correct. In some school districts, adequate behind-the-wheel training does not occur.

Ms. NORTON. Even though they are trusted with the lives of children.

Mr. HART. Correct. We have made numerous recommendations regarding training over the years.

Ms. NORTON. Yes. I don't see how we can continue to put the data from agriculture into the State base and deny them funds, or impose other sanctions, while exempting—especially considering how sweeping is the exemption, for example, for agriculture.

Let me go on to the testimony of Mr. Poole, who wants no additional safety-related sanctions. And your question, Mr. Poole, the effectiveness of the sanctions—now, of course, one can understand that, with respect to weak, or so-called soft sanctions. But not—but, of course, that doesn't involve the kind of sanctions such as withholding program funding that tends to get State attention.

What evidence is there that in the case of strong or hard standards, where, for example, highway construction funds could be withheld, that when those funds are taken away, that they would not help a State to remain in compliance, or the very threat of those funds taken away?

Mr. POOLE. Thank you. There are many evidences across the country where we feel like, as members of GHSA, that incentives simply work better than the sanctions. And the numbers are there to bear that out.

When we get the money from NHTSA to implement these programs, the States use a lot of creativity in being able to implement

those programs within the bounds of the law. When there are sanctions available and money is withheld, it simply doesn't work, and it doesn't create a good environment——

Ms. NORTON. Well, let me ask you this, Mr. Poole. Are you familiar with the States who have enacted 21-age limits, drinking-age limits with .08 percent alcohol content? Are you familiar with the number of States who have done that?

Mr. POOLE. Yes, ma'am.

Ms. NORTON. How many?

Mr. POOLE. I believe .08, the number of States—I will get back to you on the exact number.

Ms. NORTON. Mr. Poole, it is every State.

Mr. POOLE. Right.

Ms. NORTON. It is every State.

Mr. POOLE. Right.

Ms. NORTON. Nobody wants to lose his funding. You have the incentive, of course, of losing lives. And so every State has done it.

We are not even suggesting that funds would be taken away. The Government is reluctant to take away funds.

Mr. POOLE. Right.

Ms. NORTON. And usually engages in a great deal of back-and-forth before any funds are ever taken away.

But there is an instance where every State, given that possible sanction, did what the Congress wanted it to do. And I compare that with the weak sanctions here for distracted driving, including teen driving. Very, very worrisome.

Are you aware of how many States had funds withheld as a result of this strong sanction?

Mr. POOLE. Are you talking about teen driving and distracted driving?

Ms. NORTON. Yes.

Mr. POOLE. We are very, very disappointed in the ability to get money out to the States in teen driving and distracted driving, because many States——

Ms. NORTON. No, I am talking about—I am simply—I am doing a kind of syllogism here. Every State enacted .08 for 21 and under.

Mr. POOLE. Correct.

Ms. NORTON. As a 21-year drinking age. My question—and it is a rhetorical one—is that no State, in order to get there, had its funds withheld. I am trying to make the case that if the Federal Government shows it means it, the sanction works. It doesn't have to withhold funds. If we engage in soft funding, we think we mean that, too. And they simply do not comply.

And so, what you want us to do is, I take it, reduce the standards on this—under this soft—because they haven't complied. Although, the evidence we have is they comply when they are staring in the face of a harder sanction. Now, we can talk about how hard it should be. But the evidence seems to be the reverse of what you are suggesting, that soft sanctions don't exactly encourage compliance, hard sanctions do, and they do so without taking one red cent from the State.

Given what is at stake—here, it is teen driving—why should we not tell the States, "Hey, we mean what we said in MAP–21, and your funds are at stake"?

Mr. POOLE. Your point is very well taken, and GHSA will re-examine those positions.

Ms. NORTON. I would appreciate that. I would just ask you to re-examine it in light of—I don't know if you opposed, for example, the blood alcohol sanction. All I can say is it was effective.

And I do want to ask Mr. Hart. Do you support—does the NTSB support the present MAP–21 approach?

Mr. HART. With respect to the blood alcohol in particular, and specifically, we have recommended a reduction from .08 to .05.

Ms. NORTON. Would you support changing the standards to allow more States to qualify, as Mr. Poole, as least initially, believes? Or do you believe the standards that we set for distracted driving in MAP–21 under these programs are the targets that we should continue to have States meet?

Mr. HART. I will provide information for the record regarding NTSB views on the specific distracted driving standards within MAP–21. As a general matter, our recommendations are not prescriptive as to how to accomplish them.

Ms. NORTON. I wish you would get back to us on whether you support what was in MAP–21 on the standards.

Mr. HART. I will provide that information to the committee.

Ms. NORTON. For distracted driving.

Mr. HART. Yes.

[The information follows:]

Distracted Driving and Graduated Drivers Licenses (GDL) in MAP–21

The NTSB has seen numerous highway crashes and accidents in all modes involving distraction. Because of this continuing epidemic, the NTSB has taken a strong stance on distraction behind the wheel. The NTSB supports the program established by Congress in Moving Ahead for Progress in the 21st Century (MAP–21) Act, to reduce the dangers of distracted driving associated with the use of personal communication devices. The requirement that States have primary laws that address texting and youth cell phone prohibitions is in line with NTSB recommendations. The NTSB has also called for a complete ban on the use of personal electronic devices that are not germane to the driving task, and we hope that States will enact this recommendation as well. Further, removing the exemption for States that allow commercial vehicle drivers to use their devices for business purposes would further improve State laws and support NTSB findings and recommendations from commercial vehicle accidents involving distraction.

Graduated drivers' licenses (GDL) refer to multistage licensing systems requiring novice drivers younger than 21 years of age to comply with a set of minimum requirements before being eligible to receive an unrestricted driver's license. GDL requirements help ensure our youngest drivers receive proper training, and the NTSB has recommended these types of licenses for over 10 years. The NTSB has called for a learner's permit stage and an intermediate stage, and MAP–21 reflects these recommendations. MAP–21 also provides that driver training should be part of the licensing process, and the NTSB has recommended that National Highway Traffic Safety Administration (NHTSA) and the Department of Education determine the most effective instructional tools, training methods, curricula, and sequencing in providing this class. One area not addressed is that NHTSA should evaluate this grant program to ensure that States are using the grants effectively to improve their GDL program. Performance-based measures can provide valuable information for other States considering such programs.

Monitoring the implementation of these laws and how these grants are used can produce valuable data as we work together to reduce the injuries and fatalities on our roads. The NTSB believes that a data-driven approach that incorporates specific, ambitious, and measurable goals, as well as con-

tinuous monitoring of the effectiveness of countermeasures, can provide the best information for policymakers as you review these programs.

Ms. NORTON. Thank you, Mr. Chairman.

Mr. PETRI. Thank you. Mr. Coble?

Mr. COBLE. Thank you, Mr. Chairman. Good to have the panel with us. Mr. Chairman, I had a judiciary hearing earlier, and I apologize for my delay here.

Let me plow new ground, gentlemen, regarding safety. Now, DUI violations have plagued us for years and years, and continue to plague us. Do you anticipate any impediments or difficulty in detecting influence of marijuana? It is more and more—it increased, I am told. Will that pose a problem, as far—an additional problem, as far as safety on the highways are concerned?

Mr. POOLE. I will be glad to answer that. Thank you, Mr. Coble. Drugged driving is actually a huge part of our platform in GHSA. Impaired driving used to just mean alcohol, and that is not the case any more. Whether it is simply prescription drugs or whether it is illegal narcotics, many of our States across the country have utilized Federal funding to train drug recognition experts who are able to assist police officers. They receive 2-week training, very extensive training, to make sure that we get those impaired drivers off the roads as well. Because, as you well know, 33 percent of our total fatalities are alcohol-related, nationwide. And impaired is inclusive of drugged driving.

Mr. COBLE. I thank you for that. Anybody want to add further to that?

[No response.]

Mr. COBLE. I have never enrolled in the marijuana consumption school, so I bring no personal experience to the table, but I can see that that may open another door directly relating to highway safety. Thank you. Thank you, Mr. Chairman.

Mr. PETRI. Thank you. Mr. Sires?

Mr. SIRES. Thank you, Mr. Chairman, for holding this hearing, and thank you, all of you, for being here today.

I want to bring it down to a little different—something that is all around me. In 2012, bicyclists, pedestrians, and motorcyclists made up about 30 percent of all traffic deaths. That, to me, extremely high. As I drive around Washington, I see everybody with the bicycles. I see kids—well, I call them kids; they are young people—with babies sometimes sitting in the back of their—slipping through.

I think that this is only going to increase. I mean 30 percent of all traffic deaths are related to this. How can we improve those numbers without—there is a trend now for everybody to use bicycles or walking, and so forth. We need to focus more money on training people to be more careful. Yes, we only, I think, allocated one percent of the money for safety.

Can you give me some idea as to what we can do? Because I—this is a trend that, I think, is going nationwide. Most people are using bicycles or most people are walking. I would just like to start with you, Dr. Sweatman.

Dr. SWEATMAN. Thank you very much. Certainly. I mentioned in my testimony that in our connected vehicle environment, which is aimed squarely at safety in Ann Arbor, we already have motor-

cycles involved in that. We have bicycles involved in that. And the exciting breakthrough that we see coming is that through the use of smartphone technology, pedestrians can be brought into that picture, as well. So vehicles are going to know where pedestrians are, because of the signals that are coming from their smartphones.

So, we believe that that kind of communication and that kind of information being exchanged will have a major impact. And certainly in a place like Ann Arbor, a college town where we have a lot of pedestrian problems, that is something that the university and the city of Ann Arbor is very excited about. So our connected vehicle technology is not just about cars, and we really want to emphasize that. So our vision is to include the motorcyclists, the bicyclists, and the pedestrians, so that every actor out on the roadway is connected.

Mr. SIRES. And I also think it is where there are no hands on the handle and they are texting as they—I have seen that, also. So that scares me, also.

Mr. Hart, you delivered in 1994 the national bicycle and the walking study to Congress. If you—you did that, where you set some guidelines for safety.

Mr. HART. I will review our safety reports on whether we have examined pedestrian and cyclist accidents.

Mr. SIRES. Because I have seen that, you know, it was reducing bicycling and walking fatalities by 10 percent, some of the guidelines that you put forth. I was just wondering if you were to put out some more guidelines, or you are going to continue to promote those guidelines for safety of bicyclists and pedestrians.

Mr. HART. I would say in the broader sense that we are addressing the multifaceted approaches that try to reduce accidents in general, impaired driving, distracted driving, fatigue, some technologies—as you have heard, we are pursuing all of the above that would also have, hopefully, a positive impact regarding bicycle and pedestrian fatalities.

Mr. SIRES. What can we do, as—would you like—oh, OK. What can we do, as congresspeople, to enhance safety for pedestrians and bicyclists and people who—you know, who have different modes of moving around?

Mr. HART. Let me review the NTSB's reports to determine if we have made recommendations on that topic.

Mr. SIRES. It is a good report. My staff told me that.

Mr. HART. I will provide information to the committee on any NTSB report on that topic.

Mr. SIRES. I am sorry. Mr. Danko?

Mr. DANKO. I would just like to say that our association, the American Traffic Safety Services Association, has published guidelines on bicyclists and motorcycle safety, and we would like to get that to you in the near future.

Mr. SIRES. I also see now those two-wheelers that people have, you know, Washington, DC, people moving around. I don't know. What do they call those? I see police officers in the——

Mr. DANKO. Segways?

Mr. SIRES. Segways, yes. OK. Thank you very much.

Mr. PETRI. Mr. Ribble?

Mr. RIBBLE. Thank you, Mr. Chairman. Mr. Danko, I come from northern Wisconsin, where we have a lot of rural roads. And when you look at the data, safety on rural roadways, it seems like fatalities occur at a higher rate. Can you talk to us a little bit about what some of the main contributors are for that? It would seem to me that would be the opposite, that we have high traffic volume and high urban areas would be more dangerous. Can you talk a little bit about that?

Mr. DANKO. Yes, sir. We have seen the statistic that rural roads have two-and-a-half times the fatality rate as a urban road. And a lot of the factors are—a number of them. One is speed on a rural road. There tends to be more speeding on that type of a highway. There is less lighting on rural roads. There is less ambient lighting on rural roads. There are more—tending to be hilly, curvy, narrower. Now I am not talking about the travel lanes narrow itself, but the shoulder tends to be narrower, and sometimes substandard, so if you get off the roadway it will—it—there is less forgiveness. And the EMS response time is typically longer.

Mr. RIBBLE. It seems that some of the things you mentioned are really out of control. Hills, curves, things like that, you are often going through woods or over—or through very hilly terrain or farm terrain. But there are some things that could be done on infrastructure. You mentioned lighting, the narrowness of roads, things like that. Do you have any comments in regard to that?

Mr. DANKO. Yes. We would say that maybe more edge lines that would alert the driver that they are now getting out of the travel land. A center line rumble strip can do the same kind of thing. Wider lines so you can see them a little bit more. Chevrons in the curves can help you—direct you to where the curve is actually going at the time, so that it kind of leads you through the curve. You can get into pavement markers that help, you know, delineate the same kind of a situation. And then you can go to a high-friction surface on curves that will then hold the tires a little bit better as they go around.

Mr. RIBBLE. OK. Thank you very much. Sgt. Fuller—I am over here, way to your left—by means of full disclosure, I am a motorcycle rider, and actually, I would even define myself as a motorcycle enthusiast. I have a motorcycle here, in town, and I also have one back in Wisconsin. And I enjoy riding. And I understand that New York State uses section 402 funds to pay for motorcycle-only checkpoints. Is that accurate?

Mr. FULLER. I believe so, but I am not sure. That does not fall under my program.

Mr. RIBBLE. OK. Just along the lines—since you are a State patrolman, and we talk about motorcycle safety, do you think that safety funds could be better spent towards strategies that would prevent motorcycle crashes, as opposed to maybe doing checkpoints?

Mr. FULLER. I am always for less accidents, because less accidents save lives, injuries. How the money is spent, again, does not fall underneath my program. There is a separate section of the New York State Police traffic section that handles motorcycle safety, and it would fall underneath their jurisdiction, not mine.

Mr. RIBBLE. Yes, and I would agree. I can tell you, as a motorcycle rider, I have always viewed motorcycle riding as a relatively safe activity. Motorcycle crashing is another thing. And so I have a tendency to pay really close attention to crash avoidance, and being aware of what is around me. And I am not sure that an arbitrary checkpoint does much to enhance that training, or make me a safer driver. So I was just curious on your opinion, as a police officer. And, by the way, I appreciate your service in the State patrol.

Mr. FULLER. Thank you very much.

Mr. RIBBLE. Thank you. And, Mr. Danko, I want to come back just to you on an infrastructure issue again. We talked a little bit earlier here in the testimony on distracted driving. Are there infrastructure things that can be done to mitigate or minimize distracted driving, or is that just solely in the purview of the driver himself?

Mr. DANKO. There are those things that we—I mentioned earlier. Again, if you are distracted and you are leaving your lane of travel, an edge line rumble strip, a center line rumble strip, they have audible lines, thermoplastic-type lines that can be installed. That gives you the verbal sound of hitting the rumble strip, catches your attention, and you also feel the vibration in your vehicle. Those are probably trying to get your attention back when it is—you are, you know, dealing with people trying to text and whatever else they do.

I don't do it, myself. I am not—I am of that age that I kind of missed that. But the kids today, that is normal, everyday. How you do it? That is going to be a real challenge for all of us, going forward.

Mr. RIBBLE. Right. Thank you very much. Thank you, Mr. Chairman. I yield back.

Mr. PETRI. Thank you. Mr. Nolan?

[No response.]

Mr. PETRI. No questions? Then Ms. Hahn?

Ms. HAHN. Thank you, Mr. Chairman. I have too enjoyed the testimony today. I have learned a lot. Of course, we all know that women are the best drivers in the country. So, short of barring all men from the road, we are looking at how we make our roads safer and this committee is trying to look at how our safety grants are allocated to achieve that goal.

It has been interesting to listen to the testimony about distracted drivers, impaired drivers, and the move towards more technology, as Dr. Sweatman talked about. I am wondering. It is such an interesting concept, but I would like to hear some of your views on whether or not we should focus more on funding emerging technology to remove that human element from driving.

Particularly, I didn't hear anybody talk about the concept of driverless vehicles. Is that a direction that we ought to be taking seriously? Is that really a concept that we could see in our lifetime? And is that where Congress should look to start spending our dollars to really get to a place, whether it is the connecting highways, where trucks and cars are speaking to each other, versus just, frankly, taking the human element all together out of driving and focusing on the driverless cars? I would like to hear Honorable Hart, Mr. Poole, Dr. Sweatman, and others on that concept.

Dr. SWEATMAN. I would be happy to start off. Absolutely. We have various levels of automation with us already. And we are going to be stepping through various levels of taking the driver out of the loop. That is an interesting process to contemplate, because we are going to have partially or fully automated vehicles out there mixing in with conventionally driven vehicles. We are going to have issues to do with recalling drivers' attention. So if they are in a partially automated vehicle, and then some situation arises where they have to take over control, it is almost the opposite of the distraction problem we have at the moment, where drivers are supposed to be driving, but in fact, a lot of the time they are doing something else.

In the future, we are going to be—they are not supposed to be driving, but occasionally they are going to have to do something. So we are very involved in all of that research, in terms of how the human factors of that plays in. But, at the end of the day, the technology will prove to be a lot more reliable than the human driver. And, really, that is the big hope for solving a lot of these problems.

We have been doing what we call naturalistic driving studies for many years, where we put a lot of—among other things, we put video cameras in vehicles for a period of a year, or something like that. And it is amazing what people do in vehicles. And, when it comes to distraction, there are various phases that people go through.

So, 5 or 10 years ago, we would see a lot of people making cell phone calls, handheld cell phone calls, in vehicles. We hardly see that at all now; they are mainly texting. So, as the personal devices change, so the distraction changes, the source of distraction, and that is going to keep happening until we have enough automation in the system to take—to reduce the risk back down again. That is the way we would view it.

Ms. HAHN. I used to drive from my home in San Pedro to downtown Los Angeles, where I went to—I worked at the City Hall, 26 miles. I one time, in the fast lane, followed a car where the driver was a guy, and he completely got dressed. It was a—I tried to get closer for a better look, but I was trying to keep my distance to be a safe driver. But, literally, put his shirt on, put his tie on, and then pulled out a razor and shaved.

So, you are right. It is amazing what people do in their cars. Does anybody else want to comment on the driverless vehicle idea?

Mr. HART. We have not investigated driverless vehicle crashes. We do investigate many accidents involving automation and the failure of the human-machine interface. The Washington Metro accident here in 2009 was partly an automation accident. Automation can be wonderful and can improve safety, and efficiency, and reliability. But problems arise when it fails. It must be designed in a manner that does not lead to accidents.

Ms. HAHN. You know, I am glad you brought up the Metrolink tragedy, because that—you know, that was such a tragedy. It happened not too far from my district. And so, we have talked about enacting positive train control. And I do know that Metrolink is on track to complete that in time.

However, there have been some other organizations in this country that have kind of fought that a little bit, and have been asking

for some extensions. What do you think—and I will end with this question—what do you think are the major impediments to us enacting positive train control? And is that something we should extend the deadline on, or should we really force those deadlines for a safer train experience for everyone?

Mr. HART. The Metro accident I referenced was in Washington, DC, but the NTSB did investigate the 2008 Metrolink accident too.

Ms. HAHN. OK. I was thinking—I am thinking about Metrolink.

Mr. HART. That was certainly a tragic event. We have been recommending positive train control since at least the 1970s, and it has been on our Most Wanted List for most of that time. PTC makes up for human frailty. Redundancy is what it is all about. Humans make mistakes. Humans can be impaired; they can be distracted, and they can be fatigued. We are solidly behind positive train control.

Ms. HAHN. OK, thanks.

Mr. PETRI. Mr. Barletta?

Mr. BARLETTA. Thank you. And just for the record, Ms. Hahn, I am the father of four daughters, and my car insurance was $18,000 a year before the insurance company dropped us.

[Laughter.]

Ms. HAHN. They didn't even give them a chance.

Mr. BARLETTA. My daughters hit people everywhere, everywhere.

Mr. NOLAN. Will the gentleman yield?

Mr. BARLETTA. I would.

Mr. NOLAN. As the father of four, I will never forget when my daughter called and said, "Dad, I got in an accident." And of course, I said, "Are you OK, honey?" And she said, "No, I am fine." She said, "I just wrecked the front end. Not the side that John wrecked, but the side that Leah wrecked."

[Laughter.]

Mr. BARLETTA. Well, my daughter, Hurricane Grace, one time called me and said, "Dad, I have bad news for you. I just rear-ended some lady at the mall. But don't worry, nobody is hurt, nobody is mad." I said, "Really, Grace? I happen to be a little mad right now, but I am glad everyone there is OK with it."

[Laughter.]

Mr. BARLETTA. Thank you for this very important hearing. I have two questions.

One, Sgt. Fuller, during the consideration of H.R. 7, my amendment required the Department of Transportation to evaluate the safety of heavier and longer trucks. And this provision was included in the version that was signed into law. In their project plan and in public presentations, DOT has mentioned a joint data collection effort between The Commercial Vehicle Safety Alliance and The Federal Motor Carrier Safety Association that compares the out-of-state service violations for overweight trucks with trucks operating within the normal legal weight limits.

Can you tell us what this effort has found so far?

Mr. FULLER. The Size and Weight Committee of The Commercial Vehicle Safety Alliance has been gathering information over the last year or so. And I am not really sure of what the statistics are, as of right now.

I have been informed that we can get you all that data you requested.

Mr. BARLETTA. If you would, thank you very much, I would appreciate that.

Mr. FULLER. My pleasure, sir.

Mr. BARLETTA. Mr. Danko, I grew up in the road construction business, and I started a line-painting company, so I come from your industry. And I know firsthand the benefits of infrastructure safety. We will never know the number of lives that we save; we never read the names in the paper the next day of the lives that were saved because of highly reflective markings, especially on a foggy day or a wintry day around the country. So I am very proud of the industry and the lives that have been saved.

But I believe the Highway Safety Improvement Program, HSIP, is vital to the safety of our roadways. Could you elaborate on how HSIP can help prevent our Nation—prevent fatalities on our roadways?

Mr. DANKO. Yes, Congressman. We all recognize that there has been a significant decrease in crashes since 2006, about a 22-percent reduction in fatalities. And so, we think the HSIP funding has gone a long way. But there is still a long way to go. There is still 33,000-plus people dying annually on the roadway. So there are a lot of areas that need to be reviewed. There are dangerous stretches of highway. Most of the States have identified those areas. And they are in need of funds to correct them.

There is a lot of interesting new technologies that have come out. One is a cable median barrier as being—catching on. And it helps eliminate crossover crashes on interstates and divided highways. And it is relatively inexpensive, compared to some of the other solutions that are out there.

So there is a long way to go. We feel that there is—one of the other things that we would like to see is the private infrastructure people have a seat at the table when the next strategic highway safety plan is being done, because I think we can give a different perspective. And we have seen some States that have been reluctant to include our input.

Mr. BARLETTA. Should we be considering not only extending the program, but increasing funding and ensuring that these funds are dedicated to saving lives on our roadways?

Mr. DANKO. Yes. That is what we have asked for. And that is in our report, is that we think it is critical. There is too much to go. We have always said that a penalty for making a mistake shouldn't be death.

Mr. BARLETTA. I agree. I believe this program has a relatively low cost to the cost of a life. Thank you.

Mr. PETRI. Thank you. Mr. Michaud?

Mr. MICHAUD. Thank you very much, Mr. Chairman. Yes, this question for Mr. Danko. I appreciate your testimony and ATSSA's work on the Toward Zero Deaths campaign. Can you tell us why focusing on local and rural road safety is so important?

Mr. DANKO. Yes. A couple of things. We have talked about the fatality rate being higher on the rural roads. A lot of them are in, you know, local jurisdiction that don't have access to a dedicated highway engineer to be able to go out and do a roadway safety

audit and find the deficiencies. You know, we ask that the local people, the municipalities, be—get assistance from the States and be able to draw from the States' engineers to help do those audits and identify areas that can be improved.

Mr. MICHAUD. Thank you. This question is for Dr. Sweatman. The—as you probably know, ITS America has given its Smart Solution Spotlight award to the Texas Permitting and Routing Optimizing System for oversized and overweight trucks. The system allows drivers of oversized loads to apply for a permit online and receive a customized route for the size and weight of the load. The routes avoid obstacles or bridges and pavement that could be damaged by the load, allowing truckers to operate in the safest and more efficient manner.

My question is, if Congress allowed for changes in the size and weight limits to the extent necessary, do you see other States adopting systems similar to Texas, limiting heavier vehicles to specific road bridges or routes that are designed to handle those vehicles?

Dr. SWEATMAN. Thank you, Congressman. Yes. So ITS America was very pleased to recognize this program maybe a year ago now with an award. And we followed up yesterday to see how things are going. Things are going extremely well with the program. And, in fact, it was launched this week in Kansas, as well. So it is already—other States are already starting to pick this up.

So, just so everyone is clear, this is about oversized and overweight vehicles, permits for those vehicles. But the point of your question is, if it was considered that we would increase the productivity of heavy trucks, and particularly increase weight limits right across the board, across the country, how useful would this technology be. It would certainly be useful.

The proposal, I believe, is for—to go to six-axle combinations, instead of predominantly five-axle. There are always some bridge considerations, bridge strength considerations that need to be taken into account. So this kind of online system, or this automated way of using technology to figure out where these vehicles could not go or should not go would be extremely useful.

I would add that I believe this is part of the package of technology that we are overdue for deploying in the heavy truck industry. There are many beneficial safety technologies. You know, we have tested a few at UMTRI over the past few years where we see tremendous benefit. So—whether it is stability control systems, crash imminent braking systems.

And so, what we need to do is, if we are going to have more productivity on all trucks, we need to raise the bar on safety at the same time, and make sure that that arrangement—that we get a good deal out of this. And so, the use of these online systems would certainly be part of that, as well as new technologies in the vehicles.

Mr. MICHAUD. And part of that safety would be, like, going from a five-axle to a six-axle to deal with stoppage of the vehicle and distribution of the weight load on the tractor trailer. Is that correct?

Dr. SWEATMAN. Well, I mean, the way it works out, when you go to a six-axle vehicle, the braking is actually greater because you end up with less load per axle. You have got more brakes and less

load per axle, I should have said. So, all of those issues are taken into account.

Mr. MICHAUD. Well, great. Thank you very much.

Dr. SWEATMAN. Thank you.

Mr. MICHAUD. And thank you very much, Mr. Chairman. I yield back the balance of my time.

Mr. PETRI. Thank you. Mr. Williams?

Mr. WILLIAMS. Thank you, Mr. Chairman. I appreciate you all's testimony today, and I always like to hear about Texas, I am from Texas. So we like to hear the good things that we are doing there.

My first question would be to you, Chairman Hart. Vehicle maintenance violations account for more than 70 percent of total violations with the compliance safety and accountability program. Yet, according to Federal Motor Carrier Safety Administration's own large truck and bus crash facts of 2011, fewer than 5 percent of all truck-involved fatality crashes saw a vehicle-related factor assigned to the truck in the crash. Is this focus on vehicle maintenance by law enforcement the best use, do you feel, of motor carrier safety assistance program funds, especially based on these figures, and the limitations of the trust funding that we have?

Mr. HART. Thank you for the question. Vehicle maintenance has been an issue for commercial motor vehicles, and we have made recommendations about it. Recently, for example, we investigated four commercial vehicle accidents in which the carriers passed a compliance review, and then had an accident. In the post-accident safety compliance review, they failed, and part of the failure related to maintenance. Maintenance has been a big issue for us, and we are pursuing it vigorously, because we think that vehicle maintenance continues to be a safety problem.

Mr. WILLIAMS. Thank you. And I guess, Dr. Sweatman, I have got two questions for you. What role will technology play in increasing safety of our Nation's traveling public over the next 20 years? I am in the automobile business; I would like to hear that.

Dr. SWEATMAN. Well, my answer to that would be a transformational role. We believe that we can get to a situation—I already mentioned that the connected vehicle programs we are working on have the potential for an 80-percent reduction in nonimpaired multivehicle crashes. That is tremendous. That is a tremendous benefit. When we mix in with that increasing automation at the same time—so those two are coming together—we have created a lot of excitement with the connected vehicles, now there is even more excitement about automated vehicles in the industry.

What the automotive industry is doing with—I talked about the sensors being deployed in vehicles now, the intelligence that is being deployed in vehicles at a very reasonable cost. And we should bear in mind that the connected vehicle program was really predicated on being highly affordable, that this form of communication is affordable. And the sensors that we were adding to vehicles, the prices on those are coming down because we are getting the volume up.

So, we are in a very exciting time. We are going to see a rapid rate of change. We have to be sure that the level of automation, as it increases, that it interacts well with human operators. And that issue has come up on the panel a couple of times, so we think

that is important. But we think the future is very bright, especially—you mentioned a 20-year timeframe. We are going to be in a completely different world with our mobility system by then.

Mr. WILLIAMS. Keeping those prices down is important. My next question to you—I am a private sector guy. We talked about the private sector today and the importance of it. How can Federal grant funding be better leveraged, in your mind, with the private sector funds to deploy what—these technologies we are talking about and intelligent transportation systems that go with it?

Dr. SWEATMAN. I think this is critically important, and we are seeing, in the connected vehicle program, that this can be done very effectively. So the investment that the USDOT has made mainly with the industry, the automotive industry in Michigan, all working together—so we have had automakers working together for 10 years to develop this connected vehicle technology.

So, by the time—the role for the Federal Government is to provide the funding to develop the overall system. What is the architecture? What are the basic standards that need to be applied? And once we have that, and once we have that certainty so that General Motors know that if they get a signal from a Toyota, they can rely—they know what that signal means. That signal is standardized. And that is what we call a basic safety message. That work is being done. It is being done under Federal funding. And now we are in a position where we will see rapid deployment, I believe, of this technology.

Mr. WILLIAMS. Private-public is a good partnership.

Dr. SWEATMAN. Absolutely.

Mr. WILLIAMS. Thank you, Mr. Chairman. I yield back.

Mr. PETRI. Thank you. Mr. Davis?

Mr. DAVIS. Thank you, Mr. Chairman. Thank you to this committee, too. Thank you for all who have gone through this hearing. This committee, I believe, is a committee that has showed true bipartisanship in addressing many issues that are important to the infrastructure of this Nation. I think you are going to see wide agreement on many of the proposals that we hope to come out of this committee room in the near future, like we have in the past, in regards to WRDA and others.

I too agree with many on the panel and many in this room that we do need a longer term infrastructure bill that is going to address many of our infrastructure programs and safety programs in the long term, rather than a short term. And with that—I don't want to rehash much of what has already been asked. So I will go straight to some issues that I don't think have been addressed.

You know, when I was a kid, it was always great to be able to get my mom and dad's permission to ride my bike to school the few days that they would let me. Obviously, they wouldn't have let me today in Illinois, with −16 wind chill. But I know that in Illinois the Safe Routes to School program is helping to make those instances safer. Many of my urban areas in Champaign, Urbana, and Edwardsville, and other parts of central Illinois, they have implemented some of these safety measures by partnering with the State of Illinois to create safer routes to school.

And I was wondering, Mr. Danko, if I could start with you. Can you comment on the usefulness of this Safe Routes to School pro-

gram, and whether or not you have seen a decrease in traffic fatalities near schools since its implementation?

Mr. DANKO. I cannot speak to the fact of the decrease in fatalities and accidents. I can get you some information and come back for the record on that. But I don't have that available.

But as an association, we do have a program that, you know, talks to that. And we think we have seen a couple of instances where we have done teen school kids doing assessments on safe routes to schools, and trying to get a sense of what they see, you know, from a user standpoint, versus a engineer or a DOT person. So—and we have seen some success in that. We have done a couple of pilot programs on that in a few of the places that we have been.

Mr. DAVIS. Well, thank you. Mr. Hart, do you have any comments on maybe a decrease? Any statistics on decreasing traffic fatalities after projects have been implemented around schools nationwide?

Mr. HART. We don't have much experience with student transportation except as it relates to schoolbuses.

Mr. DAVIS. OK. OK. Mr. Poole, thank you for what you do. Always enjoy working with our State department of transportation, and most of the time with our Governor's office.

You know, this program was changed in MAP–21 somewhat. And I wanted to ask you. Do you see any more recommendations that you would have coming from the State to help us help you even more to implement more safety measures around schools?

Mr. POOLE. Around schools, and that is great. You know, we have been—if you recall, in MAP–21 we worked with NHTSA in codifying 15 different performance measures. And bicyclists were not one of them. And we are looking and working with NHTSA to codify one of those additional performance measures in a reauthorization.

And I will give you an example. In Tennessee, the Safe Routes to Schools program is not implemented by my office, but we work very closely with the DOT, where they have a Safe Routes to Schools coordinator. It has been exceptionally successful in the State of Tennessee. I know that there are many communities that have benefitted from additional safety measures in and around schools, and it may not have even resulted in a fatality, but maybe a crash, or maybe an injury. And we have seen, in Tennessee, a growth in that program, and a reduction in injuries and fatalities.

Mr. DAVIS. Great. Illinois seems to be working well, too. If any of the panelists have suggestions to this committee to make it easier for kids walking and riding to school, that is something that I think I am very—I know I am very interested in, in working with each of you to continue to make it easier for especially States like Tennessee and Illinois and others to actually access these safety programs as we move forward.

So, thank you again for your testimony today. And, Mr. Chairman, I yield back the balance of my time, which is over.

Mr. PETRI. Six seconds. Mr. Mica?

Mr. MICA. Thank you. And thank you for conducting this important hearing on highway safety, and seeing how effective the money that the Federal Government spends for safety. Staff is telling me we doubled safety money in MAP–21, and very pleased

how—people go off the charts when you lose lives in different types of scenarios, and we were losing about 43,000 people, I think, a year on the highways. That went down to 33,000, I believe.

Some of the improvements and some of this money can be used for simple things like—I found installing the medians, the guardrails, and keeping traffic separated especially—head-on collisions, that was an effective use of money.

I got—I have got—a couple people got my attention recently. One truck executive in Florida got me aside and says, "You all got to stop doing that crap you are doing, pulling those people over and looking at those logs and all that. That is such a waste of money." He says, "There is technology now. What are you guys doing in Washington? There is technology now"—they got some sort of technology he described to me that they—you can look at their eyes, just like a DUI test, and see if people are fatigued. He says we do—I think in the private sector he said, "We have been doing this. We can do that. And you should get those drivers off. They are cooking the logs and that stuff can be thwarted by a 15-year-old." Who wants to respond?

[No response.]

Mr. MICA. How about the New York commercial guy? What do you think? Is there something out there we can do? Have you seen—is anyone aware of the technology I am talking about?

Mr. FULLER. No, I am not.

Mr. MICA. Well, we sure as hell need to find out, staff and others. But he is telling me that you can access, through the pupils, I guess, how fatigued they are.

So, I just raise that to staff and others. I would like to find out. And if nobody here knows about it, I guess we are in big trouble. But he sure as hell did.

Mr. HART. May I comment on that, momentarily?

Mr. MICA. Yes, very briefly.

Mr. HART. Yes. There are——

Mr. MICA. Don't take too much of my time——

Mr. HART [continuing]. Some technologies aimed at detecting fatigue. One detects whether steering wheel motions are normal or indicative of fatigue.

Mr. MICA. No, but this is, you know, stop them or—the sites, and—if we aren't giving money for research to do something like that, and that technology is available, shame on us. If you have ever seen a large commercial vehicle in a crash, and the results, it is something you don't even want to think about. And unfortunately, we have a lot of those.

Someone else got my ear and said, "What the hell are you people doing in Washington?" Of course, you know, this administration is renowned for its pumping out rules. And they said, "They just pumped out a rule that you only need the safety glass in the front windshield," and showed me the statistics: 1,000 people went out the side windows because you don't have the proper safety glass. A rule could be—I mean it could be set by rule or by a law. Anyone familiar with that? That's just 1,000 people killed with that.

[No response.]

Mr. MICA. No? OK. Well, I think you have to look at where we are losing people on the road. I mean life is—I am talking about

lives. And you have got tens of thousands who are injured. What is the biggest thing we should be attacking in highway safety to save lives? Start right there, and each of you finish and tell me in 30 seconds or less. Well, you got 29. Go ahead.

Mr. HART. If someone is ejected out the window, that means that person was not wearing a seatbelt.

Mr. MICA. Well, I thought of that, too, but they said—and I don't know how—you know, I didn't analyze all those cases, but they—the people who hit the windshield survived. That kept them in the car.

But, again, my question was what safety improvement could we do to save the most lives. Quick. Mr. Hart?

Mr. HART. Yes. Again, the biggest single one has been seatbelts, followed closely by airbags.

Mr. MICA. OK.

Mr. HART. Keep people restrained in the car.

Mr. MICA. OK. Quick. Mr. Danko, what do you think?

Mr. DANKO. Brighter signs.

Mr. MICA. Brighter signs?

Mr. DANKO. Bigger font, easier-to-read signs.

Mr. MICA. Especially with the aging population demographics.

Mr. DANKO. Correct.

Mr. MICA. Mr. Fuller?

Mr. FULLER. Inspections on the motor carrier trucks going down the roads.

Mr. MICA. More inspections?

Mr. FULLER. More inspections.

Mr. MICA. OK. Poole?

Mr. POOLE. Focusing on behavioral highway safety: impaired driving, seatbelts, speed, distracted driving.

Mr. MICA. OK. And, finally, Mr.——

Dr. SWEATMAN. Technologies that avoid crashes. May I reflect a little on the comment you made about fatigued truck drivers? We have seen that. We have done major studies of some of these technologies. And whether or not they are fatigued, whether or not the test would tell you they are fatigued, the next thing that happens is they start to run out of the lane. But if they have a lane departure warning system in that vehicle, that driver wakes up and corrects and goes back into the lane. So——

Mr. MICA. Well, some of those things we have started to do in repaving and things of that sort.

Dr. SWEATMAN. Yes. But it can be in the vehicle, or it could be on the highway, as well.

Mr. MICA. Right, yes.

Dr. SWEATMAN. But those things are very effective in dealing with that problem.

Mr. MICA. OK.

Dr. SWEATMAN. But the problem of figuring out whether someone is fatigued or sleepy, or whatever, is a little more complicated.

Mr. MICA. Well, finally—and I am over my time—just ask the staff—Dan, and some of the others—check on that technology, and let's see if that merits further consideration. He was pretty adamant about it. Thank you.

Mr. PETRI. Thank you. Ms. Hahn, one more question.

Ms. HAHN. Yes, thank you. One more. So this is for the Honorable Hart. So, at the average age of 43 years old, the typical U.S. bridge is nearing the end of its 50-year design life, and thousands are far older than that. Structurally deficient bridges are more than 20 years older, on an average. And although we have nearly 70,000 structurally deficient bridges, and almost half of our highways are rated below good condition, MAP–21 eliminated the former highway bridge program which distributed Federal money specifically for bridge repair.

I introduced a bill earlier in Congress that would authorize DOT to provide grants to States to repair or replace bridges the Federal Highway Administration has found to be structurally deficient. So, with the I–5 bridge being the second collapse of an interstate bridge in 6 years, I think we should be devoting even more dedicated funding towards maintaining our roads and bridges, not less. And while MAP–21 requires that States develop performance standards for the bridges, it does not make the determination as to which bridges should benefit from Federal funding.

So, as this committee is focusing on developing a new highway reauthorization bill, how can we ensure that we are allocating resources in a way that targets our Nation's most vulnerable bridges? I don't care what mode of transportation you are talking about, there—our bridges are really in disrepair. And it worries me a lot that—the kinds of lives that would be lost and the disruption of everything from cargo movement to just regular commuter traffic that would be disrupted if our—if a bridge collapsed.

So, how can we do a better job in that respect, Mr. Hart?

Mr. HART. Aging infrastructure has been a concern for us. Not only bridges but also other infrastructure can be problematic without the prescribed inspections and maintenance.

Ms. HAHN. You have any suggestions on how we might do better as this—I mean this is what this hearing is about, is, you know, how do we improve our allocation of these safety grants.

Mr. HART. I will submit the NTSB's recommendations on infrastructure to the committee for the record.

[The information follows:]

Aging Infrastructure Recommendations

Accident Date: 07/10/2006
Accident No.: HWY08MH024
Boston, MA, Accident Synopsis:
About 11:01 p.m. eastern daylight time on Monday, July 10, 2006, a 1991 Buick passenger car occupied by a 46-year-old driver and his 38-year-old wife was traveling eastbound in the Interstate 90 (I–90) connector tunnel in Boston, Massachusetts, en route to Logan International Airport. As the car approached the end of the I–90 connector tunnel, a section of the tunnel's suspended concrete ceiling became detached from the tunnel roof and fell onto the vehicle. Concrete panels from the ceiling crushed the right side of the vehicle roof as the car came to rest against the north wall of the tunnel. A total of about 26 tons of concrete and associated suspension hardware fell onto the vehicle and the roadway. The driver's wife, occupying the right-front seat, was fatally injured; the driver was able to escape with minor injuries.

RECOMMENDATIONS:
• Rec #: H–07–017
NTSB Status: Open—Acceptable Response
TO THE FEDERAL HIGHWAY ADMINISTRATION: Seek legislation authorizing the Federal Highway Administration to establish a mandatory

tunnel inspection program similar to the National Bridge Inspection Program.

• Rec #: H–07–018
NTSB Status: Open—Acceptable Response
TO THE FEDERAL HIGHWAY ADMINISTRATION: Once provided with legislative authority to establish a mandatory tunnel inspection program as indicated in Safety Recommendation H–07–17, develop and implement a tunnel inspection program that will identity critical inspection elements and specify an appropriate inspection frequency.

• Rec #: H–07–015
NTSB Status: Closed—Acceptable Action
TO THE FEDERAL HIGHWAY ADMINISTRATION: In cooperation with the American Association of State Highway and Transportation Officials, develop standards and protocols for the testing of adhesive anchors to be used in sustained tensile-load overhead highway applications. These standards and protocols should consider site-specific ultimate strength values as well as the creep characteristics of the adhesive over the expected life of the structure.
The companion recommendation to AASHTO is H–07–020 which is also Closed—Acceptable Action.

Accident Date: 08/01/2007
Accident No.: HWY07MH024
Minneapolis, MN, Accident Synopsis:
About 6:05 p.m. central daylight time on Wednesday, August 1, 2007, the eight-lane, 1,907-foot-long I–35W highway bridge over the Mississippi River in Minneapolis, Minnesota, experienced a catastrophic failure in the main span of the deck truss. As a result, 1,000 feet of the deck truss collapsed, with about 456 feet of the main span falling 108 feet into the 15-foot-deep river. A total of 111 vehicles were on the portion of the bridge that collapsed. Of these, 17 were recovered from the water. As a result of the bridge collapse, 13 people died, and 145 people were injured.

RECOMMENDATIONS:
• Rec #: H–08–001
NTSB Status: Closed—Acceptable Alternate Action
Issue date: 1/15/2008
TO THE FEDERAL HIGHWAY ADMINISTRATION: For all non-load-path-redundant steel truss bridges within the National Bridge Inventory, require that bridge owners conduct load capacity calculations to verify that the stress levels in all structural elements, including gusset plates, remain within applicable requirements whenever planned modifications or operational changes may significantly increase stresses.

• Rec #: H–08–018
NTSB Status: Closed—Acceptable Action
TO THE FEDERAL HIGHWAY ADMINISTRATION: Require that bridge owners assess the truss bridges in their inventories to identify locations where visual inspections may not detect gusset plate corrosion and where, therefore, appropriate nondestructive evaluation technologies should be used to assess gusset plate condition.

• Rec #: H–08–019
NTSB Status: Closed—Acceptable Action
TO THE FEDERAL HIGHWAY ADMINISTRATION: Modify the approved bridge inspector training as follows: (1) update the National Highway Institute training courses to address inspection techniques and conditions specific to gusset plates, emphasizing issues associated with gusset plate distortion as well as the use of nondestructive evaluation at locations where visual inspections may be inadequate to assess and quantify such conditions as section loss due to corrosion; and, (2) at a minimum, include revisions to reference material, such as the Bridge Inspector's Reference Manual, and address any newly developed gusset plate condition ratings in the American Association of State Highway and Transportation Officials commonly recognized (CoRe) structural elements.

• Rec #: H–08–022
NTSB Status: Closed—Acceptable Action
TO THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS: Modify the guidance and procedures in your

Manual for Bridge Evaluation to include evaluating the capacity of gusset plates as part of the load rating calculations performed for non-load-path-redundant steel truss bridges.

• Rec #: H–08–024
NTSB Status: Closed—Acceptable Action
TO THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS: Develop specifications and guidelines for use by bridge owners to ensure that construction loads and stockpiled raw materials placed on a structure during construction or maintenance projects do not overload the structural members or their connections.

• Rec #: H–08–025
NTSB Status: Closed—Acceptable Action
TO THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS: Include gusset plates as a commonly recognized structural element (CoRe) and develop guidance for bridge owners in tracking and responding to potentially damaging conditions in gusset plates, such as corrosion and distortion; and revise the AASHTO Guide for Commonly Recognized (CoRe) Structural Elements to incorporate this new information.

Accident Date: 08/10/2008
Accident No.: HWY08FH023
Annapolis, MD, Accident Synopsis:
On August 10, 2008, at 3:55 a.m., the driver of a tractor-trailer took evasive action to avoid a Chevrolet Camaro passenger vehicle that had departed its travel lane on the William Preston Lane, Jr., Memorial Bridge (Chesapeake Bay Bridge) near Annapolis, Maryland. The Camaro struck the tractor-trailer and rotated 180 degrees but remained on the bridge; the tractor-trailer, traveling at a police-reported speed of more than 40 mph, crossed to the opposite side of the bridge, striking the bridge barrier at a 40-degree angle and departing the bridge. The tractor-trailer's impact to the bridge railing caused an approximately 24-foot length of the barrier to dislodge and a 12-foot length of the displaced barrier to completely separate and fall into the Chesapeake Bay. The driver of the commercial vehicle was killed; the driver of the Camaro sustained serious injuries and the Camaro's passenger sustained minor injuries; and the driver and passenger of a third vehicle, a Toyota Prius that was struck by the trailer, were uninjured.

RECOMMENDATIONS:
• Rec #: H–10–017
NTSB Status: Closed—Acceptable Action
TO THE FEDERAL HIGHWAY ADMINISTRATION: Inform State departments of transportation of the risks of steel reinforcement corrosion and voids in concrete barriers and barrier attachment points and of the nondestructive evaluation methods used by the Maryland Transportation Authority to identify internal corrosion problems.

• Rec #: H–10–018
NTSB Status: Closed—Acceptable Action
TO THE FEDERAL HIGHWAY ADMINISTRATION: Expand the research and development of nondestructive evaluation technologies to develop bridge inspection methods that augment visual inspections; offer reliable measurement techniques; and are practical, both in terms of time and cost, for field inspection work; and promote the use of these technologies by bridge owners.

Ms. HAHN. Thank you. Thank you for allowing me another question.

Mr. PETRI. Thank you. Thank you all for your testimony and response to questions. It has been a very interesting hearing.

I would ask unanimous consent that letters or statements from the American Bus Association and the American Motorcyclist Association be incorporated in the record of this hearing, and ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them in writing, and unanimous consent

that the record remain open for 15 days for additional comments and information submitted by Members or witnesses to be included in the record of today's hearing.

Is there any objection to any of those requests?

[No response.]

Mr. PETRI. Hearing none, without objection, so ordered.

[The information submitted by Mr. Petri for the record follows:]

In the United States House of Representatives

Committee on Transportation and Infrastructure

Subcommittee on Highways, Transit and Pipelines

January 28, 2014

Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs

Testimony of Peter J. Pantuso,

President and Chief Executive Officer of the American Bus Association

Chairman Petri and members of the Subcommittee, the American Bus Association appreciates the opportunity to submit this testimony on the very critical issue of the effectiveness of the federal surface transportation safety grant programs. This issue is of some importance to the American Bus Association (ABA) and its 3500 member organizations, convention and visitors' bureaus, bus operators and destinations. Simply put, the federal safety grant programs are charged with, among other things, creating the safety net by which the traveling public can depend on for using a safe carrier and driver.

Every day thousands of companies and hundreds of thousands of employees work in concert to provide nearly 2 million passenger trips by motorcoach[1]. While our industry has one of the best safety records of any surface transportation mode the lack of consistent national, federal inspection and enforcement means that not all bus operators are compliant with basic federal safety regulations. The failure of federal and state agencies to enact a comprehensive national inspection structure is not a failure of regulation but a failure of prioritization and enforcement.

Motor carrier inspections and enforcement are primarily achieved through a partnership between the federal government and a mixture of state and local enforcement personnel (such as specially trained commercial vehicle enforcement units, highway patrol units, county sheriff's offices, city police, etc.). The federal funding is part of the Motor Carrier Safety Assistance Program (MCSAP). The goal of the MCSAP is to reduce Commercial Motor Vehicle (CMV) involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. The U.S Department of Transportation (DOT) invested nearly $200 million[2] (FY 2013) to ensure uniform enforcement of the safety rules, regulations, and standards compatible with the Federal Motor Carrier Safety Regulations (FMCSRs).

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[1] ABA Foundation Motorcoach Census at http://www.buses.org/research

[2] Funding information from FMCSA at http://www.fmcsa.dot.gov/about/grants/MCSAP-Basic-Incentive/funding.aspx

According to an analysis done of fatal motorcoach accidents by ABA, the data show that nearly 60% of all onboard motorcoach related fatalities have resulted from carries that were determined to be either illegal or unsafe after more thorough investigation. In addition, the motorcoach inspections occur unevenly among the states (some states do them, so some states do not, and some states with large numbers of motorcoach companies or motorcoach visited destinations have a low number of motorcoach inspections), ostensibly creating "safe harbors" for motorcoach operators wishing to escape inspections. The Federal Motor Carrier Safety Administration (FMCSA) shifted some attention to "high-risk" carriers in 2013 when the National Transportation Safety Board called into question the effectiveness of the FMCSA's inspection program. However, actions by FMCSA including Operation Quick Strike and other periodic enforcement efforts are not sustained processes. In fact the success of Quick Strike which shut down 52 carriers shows the systemic weakness in the current enforcement program[3].

ABA believes that only a national, ongoing uniform inspection and enforcement structure can ensure passenger safety and create a level playing field for bus operators. Furthermore, while ABA supports a strong partnership between state inspectors and federal regulators we believe that the current relationship is broken. Creating long term solutions to ensure the safety of the traveling public requires that federal regulators enforce granting provisions requiring states to have a bus inspection program and trained bus inspectors.

Finally motorcoach passengers are entitled to the same protections as other modes of transportation including an operator that is compliant and a vehicle that has been inspected. Roadside inspections put passengers in danger, establish unforeseen and unpredictable delays, and sets up a discriminatory process which classifies motorcoach transportation as a second tier system. Simply put we do not land planes mid-flight or stop trains for inspections, so why should we stop buses mid-trip? Passengers are entitled to the same safety net for motorcoaches as is present in other forms of commercial public transportation.

Key Recommendations

- Funding set aside for bus inspections and inspector training to ensure that we close safe harbor states.
- The establishment of a bus inspection program in every state that includes training for and testing of inspectors specifically for motorcoaches. Including a provision in funding guidance that requires the Secretary of Transportation to rescind a portion of funding for a given State that fails to enact a creditable bus inspection program and authorizes the contracting of third party inspectors with the rescinded funding.
- Granting guidance that favors targeted inspections of carriers with a history of poor safety standards over repeated inspections of the same carriers.
- ABA supports the implementation MAP-21 provisions requiring a review of the effectiveness of the commercial motor vehicle inspection program as it relates to passenger carriers.

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[3] Operation Quick Strike information available at http://www.dot.gov/briefing-room/fmcsa-operation-quick-strike-removed-52-unsafe-bus-companies-road

AMERICAN MOTORCYCLIST ASSOCIATION

101 Constitution Avenue NW, Suite 600W, Washington, DC 20001
T: (202) 742-4301 F: (202) 742-4304

AmericanMotorcyclist.com

January 27, 2014

The Honorable Tom Petri
Chairman
Subcommittee on Highways
and Transit
B376 Rayburn HOB
Washington, DC 20515

The Honorable Eleanor Holmes Norton
Ranking Member
Subcommittee on Highways
and Transit
2163 Rayburn HOB
Washington, DC 20515

Dear Chairman Petri and Ranking Member Holmes Norton:

The American Motorcyclist Association applauds the U.S. House Subcommittee on Highways and Transit of the Committee on Transportation and Infrastructure for holding the hearing titled "Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs."

Founded in 1924, the AMA is the premier advocate of the motorcycling community, representing the interests of millions of on- and off-highway motorcyclists. Our mission is to promote the motorcycle lifestyle and protect the future of motorcycling.

Under § 405 of the "Moving Ahead for Progress in the 21st Century Act," known as MAP-21, states qualify for a grant by meeting two of six grant criteria: Motorcycle Rider Training Courses; Motorcyclists Awareness Program; Reduction of Fatalities and Crashes Involving Motorcycles; Impaired Driving Program; Reduction of Fatalities and Accidents Involving Impaired Motorcyclists; and Use of Fees Collected from Motorcyclists for Motorcycle Program. (23 U.S.C. 405(f)(3)).

The AMA is concerned that some states are diverting money from motorcycle programs, eliminating one criterion for grant qualification: the *Use of Fees Collected From Motorcyclists for Motorcycle Programs*.

Diverting these federal funds weakens support for safety and training programs, while also making it more difficult for states to qualify for future grants.

Last year, the state of Ohio attempted to abolish the Motorcycle Safety and Education Fund and transfer its funds to the State Highway Safety Fund. The Motorcycle Safety and Education Fund, coupled with student tuition fees, fund the Motorcycle Ohio rider education program.

Motorcycle Ohio is a nationally recognized, respected rider education program that provides four training courses for motorcyclists of all skill levels. The Basic RiderCourse, the Basic RiderCourse for returning riders, the Basic RiderCourse 2, and the Advanced RiderCourse are taught by dedicated, experienced RiderCoaches.

After receiving input from the AMA and other interested groups, Ohio withdrew the provision from its proposed budget.

If Ohio had been successful in transferring the motorcycle safety funds, the state would have been unable to meet one criterion for applying for a safety grant under § 405 of MAP-21. Specifically, § 405 (f)(3)(F) requires that "all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs will be used for motorcycle training and safety programs."

Of even greater concern is the state of New York's use of motorcycle safety grants from § 402 to fund motorcycle-only checkpoints. New York budgeted $490,000 of federal taxpayer funds for the fiscal 2012 and 2013.

That money should go toward strategies to prevent motorcycle crashes and should not be used to subject riders to arbitrary stops and roadside inspections.

With safety of motorcyclists the utmost priority of the AMA, we stand willing to work with the subcommittee and other stakeholders to help educate states of this requirement to receive motorcycle safety grants.

Again, the AMA thanks you and the subcommittee for holding the hearing on the "Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs."

Sincerely,

Wayne Allard

Wayne Allard
Vice President, Government Relations

Cc: Members of the U.S. House Subcommittee on Highways and Transit

Mr. PETRI. And this subcommittee hearing is adjourned.
[Whereupon, at 11:46 a.m., the subcommittee was adjourned.]

The Honorable Thomas E. Petri, Chairman
Subcommittee on Highways and Transit
Committee on Transportation and Infrastructure
Subcommittee Hearing on "Improving the Effectiveness of the Surface Transportation Safety Grant Programs"
10 a.m., Tuesday, January 28, 2014

The Subcommittee will come to order.

Today's hearing will focus on how Congress can improve the effectiveness of the surface transportation safety grant programs. The current federal surface transportation authorization, MAP-21, expires on September 30 of this year. As Congress begins work on drafting the successor to MAP-21, we must understand what the most effective and innovative safety projects and activities are in order to improve the safety of the travelling public.

In 2012, 33,561 fatalities occurred on our Nation's highways, according to the National Highway Traffic Safety Administration. Highway fatalities in 2012 remain at historic lows and matched levels not seen since 1950. While these safety trends are encouraging, much more can be done to further reduce highway fatalities and crashes.

The federal surface transportation safety grant programs provide states with resources to target their specific safety issues. Each state faces unique safety challenges that demand a data-driven, performance-based safety approach. It's important to give states the flexibility they need to address their unique highway safety challenges.

But at the same time, states must be held accountable for how they are spending their limited federal resources. That is why MAP-21 requires states to include safety performance targets into their annual highway safety plans.

One of the largest federal safety programs is the Highway Safety Improvement Program, which apportions over $2 billion among the states to address highway safety infrastructure challenges. Each state is required to have a strategic highway safety plan that identifies safety problems through data analysis and determine the appropriate safety countermeasures.

Examples of how this funding can be used include improving a dangerous section of highway by installing guardrails and rumble-strips or improving highway design to make an intersection safer for motorists and pedestrians.

States also receive federal-aid funding to address driver behavior issues through the State and Community Highway Safety Grants, otherwise known as Section 402 grants. Each State is required to have an annual highway safety plan that identifies their unique driver behavioral issues and determine the appropriate safety countermeasures. Examples of how this funding can be used include drunk-driving and seat-belt enforcement or community outreach and education activities.

Commercial motor vehicle enforcement is another important federal safety priority. States receive funding from the Motor Carrier Safety Assistance Program, which provides resources for states to enforce federal commercial motor vehicle regulations. Funding is targeted on investments that promote safe commercial vehicle transportation of property, passengers, and hazardous materials. Through motor carrier and driver data systems, states are able to target the most unsafe carriers and drivers for enforcement. States must set program goals and meet performance benchmarks in order to be eligible for program funding.

Technology is one area that can help states improve the effectiveness of their federal surface transportation safety grants. States can further adopt and deploy innovative technologies that reduce highway fatalities and crashes and help enforcement officials target the most unsafe drivers. As vehicles become more autonomous and connected, intelligent transportation infrastructure systems will give states more ways to create a safer traveling experience for Americans. Such systems could warn drivers of dangerous road conditions ahead or assist the driver in making safer driving decisions.

I trust that today's hearing will provide our Subcommittee Members with insight into the federal surface transportation safety grant programs and how we can better leverage our limited federal resources to reduce fatalities and injuries on our Nation's roads.

I look forward to hearing from our witnesses this morning.

[Yield to Ms. Norton]

STATEMENT OF
THE HONORABLE NICK J. RAHALL
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
"IMPROVING THE EFFECTIVENESS OF THE FEDERAL
SURFACE TRANSPORTATION SAFETY GRANT PROGRAMS"
JANUARY 28, 2013

Mr. Chairman, thank you for holding this important hearing. Ensuring the safety of the users of the transportation network is a core function of the Committee on Transportation and Infrastructure.

Further preventing the tragic loss of life and injuries that occur every day on our roads will be a top priority for the Committee in the next surface transportation authorization bill.

One area that has been a priority for me is addressing the unique challenges with railway-highway grade crossings.

Last year, there were nearly 2,000 incidents at grade crossings resulting in 233 deaths and 921 injuries. While the number of crashes at grade crossings is down 82 percent since 1980, nearly all crashes at grade crossings are preventable.

The primary means of Federal investment in grade crossing safety is the Section 130 Railway-Highway Crossings Program. This program provides Federal funds to states to make grade crossing safety enhancements.

According to the Federal Rail Road Administration, the Section 130 program "has helped prevent over 10,500 fatalities and 51,000 nonfatal injuries."

MAP-21 preserved the budgetary set-aside for this important safety program, which provides States $220 million annually to assist in making grade crossing safety improvements.

Without this dedicated funding, grade crossing needs would fare poorly in competition with other highway investment needs.

I am pleased to report that in recent years, States have been obligating significantly more funds towards safety improvements at grade crossings.

Since the dedicated set-aside was created under the Highway Safety Improvement Program, States have obligated nearly 75 percent of their available funding. This is up from only 26 percent in fiscal year 2006.

Continuing to provide dedicated funding towards this important safety program will mean more injuries averted and more lives saved at the Nation's more than 212,000 grade crossings.

Once again Mr. Chairman, thank you for holding this important hearing. I look forward to working for you to reauthorize surface transportation programs, and to continue to improve the safety of the Nation's highways.

Elizabeth H. Esty

ELIZABETH H. ESTY

Statement and Questions for the Record
Committee on Transportation & Infrastructure
Subcommittee on Highways and Transit Hearing
"Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs"
January 28, 2014, 2013

I thank Chairman Petri and Ranking Member Holmes Norton for holding today's hearing on how we can work to improve our surface transportation safety grant programs. I am particularly glad that Vice Chairman Hart is here to provide the National Transportation Safety Board's (NTSB) insight and perspective.

I want to thank you, Mr. Hart, for your agency's work responding to rail mass transit safety concerns, as this has become especially important to the state of Connecticut in the past year. As noted in Mr. Hart's written testimony, two major accidents occurred on the Metro-North Railroad in Connecticut this past May. In response, the NTSB issued an urgent recommendation to Metro-North that was subsequently implemented. However, the NTSB also reiterated a recommendation originally issued in 2008 to the Federal Railroad Administration (FRA) to require redundant protection. To date, the FRA has not taken action on this recommendation. Mr. Hart, can you please provide a summary of the feedback you've received as to why FRA has not yet acted on this recommendation?

These transit safety concerns along Metro-North were tragically heightened after a passenger train on the Hudson Line derailed in The Bronx on December 1, 2013, killing four passengers and injury 59 other persons. Your agency issued a preliminary report of your investigation on January 14, 2014, but your investigative work is ongoing. Can you provide this Committee with a progress report on this investigation, including a summary of current findings and an estimate of when we can expect NTSB to issue its final report?

My constituents in Connecticut and Metro-North riders everywhere deserve answers about what we're doing to ensure their safety, and the steps we must take to prevent such accidents from every happening again.

The Honorable Christopher Hart
Vice Chairman

Before the

Subcommittee on Highways and Transit
Committee on Transportation and Infrastructure
United States House of Representatives

Hearing on

Improving the Effectiveness of the
Federal Surface Transportation Safety Grants Programs

Washington, DC
January 28, 2014

Good morning Chairman Petri, Ranking Member Norton, and Members of the Subcommittee. Thank you for the opportunity to address you today concerning the National Transportation Safety Board's (NTSB) perspective and recommendations on legislation to improve transportation safety overall.

Introduction

The National Transportation Safety Board (NTSB) is an independent Federal agency charged by Congress with investigating every civil aviation accident the United States and significant accidents in other modes of transportation – railroad, highway, marine and pipeline. The NTSB determines the probable cause of accidents and other transportation events and issues safety recommendations aimed at preventing future accidents. In addition, the NTSB carries out special studies concerning transportation safety and coordinates the resources of the Federal Government and other organizations to provide assistance to victims and their family members impacted by major transportation disasters.

One of our keystone products is our Most Wanted List that we issue each year. Earlier this month we issued our list for 2014, a copy of which is attached to this statement. I appreciate the opportunity to be here today to discuss many of the issues we are highlighting. Our 2014 Most Wanted List consists of the following 10 priority transportation safety issues:

Address Unique Characteristics of Helicopter Operations
Advance Passenger Vessel Safety
Eliminate Distraction in Transportation
Eliminate Substance-Impaired Driving
Enhance Pipeline Safety
Improve Fire Safety in Transportation
General Aviation: Identify and Communicate Hazardous Weather
Implement Positive Train Control Systems
Promote Operational Safety in Rail Mass Transit
Strengthen Occupant Protection in Transportation

Today's hearing provides the opportunity to highlight many of the issues on the 2014 Most Wanted List and the NTSB's ongoing efforts to address them.

Surface Transportation Safety – In General

Highway travel remains the deadliest form of transportation, with more than 30,000 fatalities annually. In 2012, 33,561 people died and 2.36 million were injured in crashes on our nation's roadways. Eliminating distraction, reducing impaired driving, and improving occupant protection are on our Most Wanted List to make true reductions in these numbers. Improved motor carrier oversight, combatting driver fatigue, improving technology, and improvements in highway design can also have lasting impacts on reducing deaths and injuries.

During the past year, our highway and railroad accident investigators have been very busy. Responding to the Skagit River bridge collapse on Interstate 5 in Washington State; a

highway/railroad grade crossing accident in Baltimore County, Maryland, that resulted in a train derailment and major explosion; and several multiple fatality commercial motor vehicle crashes.

The other mode of transportation under this Subcommittee's jurisdiction, mass transportation, is very safe, but last year, the NTSB launched investigations into a Chicago Transit Authority accident in which a train moved along the tracks without a train operator; and a Bay Area Rapid Transit accident that resulted in 2 roadway worker fatalities. Also, from May to December of last year, Metro-North Railroad had four events with 5 fatalities and 135 injuries that we are investigating. Additionally, we continue to work with the Washington Metropolitan Area Transit Authority (WMATA) to monitor the implementation of our recommendations following the fatal 2009 Ft. Totten crash. As many rail systems have realized, a temporary hiatus in the number of accidents does not mean a safe system.

Commercial Motor Vehicle Safety Oversight Issues

In November of last year, the NTSB issued a set of recommendations to the Department of Transportation (DOT) regarding an area of continued concern – Commercial Motor Vehicle safety and the effectiveness of oversight activities by the Federal Motor Carrier Safety Administration (FMCSA). For decades, the NTSB has made recommendations and emphasized the importance of identifying and removing unsafe motor carriers and drivers from our highways before they crash. However, during the past year we repeatedly noted motorcoach and trucking companies continuing to operate despite being unsafe and presenting an imminent hazard to the traveling public -- even after being subjected to FMCSA compliance reviews that should have identified the safety lapses. As a result of four commercial vehicle accidents we investigated, causing 25 deaths and 83 injuries, the NTSB identified problems with both the thoroughness and quality of FMCSA's compliance reviews. Consequently, the NTSB issued two safety recommendations to the DOT recommending audits on oversight activities and actions to address problems uncovered by the audits.[1] [2]

After investigating several fatal accidents in the 1990s, the NTSB recommended that the FMCSA change its safety fitness rating methodology so that an adverse rating on either the vehicle or the driver alone would be sufficient to result in an overall "unsatisfactory" rating for a carrier.[3] In these accidents we saw that the FMCSA continued to allow an unsafe operator to travel the highways despite multiple inspections. We later investigated additional motorcoach accidents that involved this same issue, including a 3-fatal school bus/truck collision in Mountainburg, Arkansas, a 5-fatal motorcoach accident in Victor, New York in 2002; a 23-fatal motorcoach fire near Wilmer, Texas in 2005; a 17-fatal motorcoach accident in Atlanta, Georgia

[1] To DOT: Conduct an audit of the compliance review processes used by the Federal Motor Carrier Safety Administration (FMCSA) to determine (1) why inspectors are not identifying all violations of safety regulations by motor carriers undergoing review, and (2) why the FMCSA's quality assurance efforts are not fully effective in assessing the accuracy and completeness of compliance reviews; once these determinations have been made, require the FMCSA to revise its processes to correct these deficiencies. (H-13-39)

[2] To DOT: Conduct an audit of the effectiveness of focused compliance reviews and, upon the completion of the audit, require the Federal Motor Carrier Safety Administration to take action to resolve any safety issues raised by the audit. (H-13-40)

[3] To FMCSA: Change the safety fitness rating methodology so that adverse vehicle or driver performance-based data alone are sufficient to result in an overall unsatisfactory rating for a carrier. (H-99-6)

in 2007; and a motorcoach rollover accident in Victoria, Texas 2008. To date, the FMCSA has not satisfactorily acted on this recommendation.

With over 500,000 motor carriers operating in the U.S., it is important that adequate resources be dedicated, and sufficient data are available, at the Federal and State levels to identify those trucks, buses and drivers who pose a risk to the motoring public. It is also essential that the FMCSA finalize the Compliance, Safety, and Accountability rulemaking; and NTSB recommendations could, if implemented, help FMCSA improve its Safety Fitness Determination process.

Impaired Driving

One of the greatest tragedies on our nation's roadways is the entirely preventable deaths and injuries caused by impaired driving. In 2012, more than 10,000 deaths—31 percent of all motor vehicle fatalities—involved an alcohol-impaired driver. That is more than one fatality per hour due to alcohol impairment. Although substantial progress was made on this issue during the 1980s and 1990s, since 1995 the percentage of motor vehicle deaths that involve an alcohol-impaired driver has remained stubbornly stuck at about one-third.

In an effort to tackle the impaired driving epidemic, the NTSB commenced a year-long examination of the problem in 2012. In May 2012, we held a forum to identify the most effective data-driven, science-based actions needed to eliminate crashes from substance-impaired driving. In December 2012, we issued a special investigation report on wrong-way driving that revealed that more than 60 percent of fatal wrong-way crashes involve impaired drivers. We issued recommendations in the report calling for expanded use of technology such as ignition interlocks.[4]

In May of 2013, our review culminated with the release of "Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving." The report addresses the necessity of providing strong laws, improved enforcement strategies, innovative adjudication programs, and use of technology to prevent alcohol-impaired driving crashes and their deadly consequences. The report includes 19 new and reiterated safety recommendations calling for:

- Incorporating passive alcohol sensing technology into high visibility enforcement efforts[5]
- Expanding the use of in-vehicle devices to prevent operation by an impaired driver[6]

[4] To 33 States, the Commonwealth of Puerto Rico, and the District of Columbia: Enact laws to require the use of alcohol ignition interlock devices for all individuals convicted of driving while intoxicated (DWI) offenses. (H-12-45)

[5] To the 50 States, the Commonwealth of Puerto Rico, and the District of Columbia: Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses. (H-13-6)

[6] To NHTSA: Work with the Automotive Coalition for Traffic Safety, Inc., to accelerate widespread implementation of Driver Alcohol Detection System for Safety (DADSS) technology by (1) defining usability testing that will guide driver interface design and (2) implementing a communication program that will direct driver education and promote public acceptance. (H-12-43)

- Developing best practices for DWI courts and using other programs to reduce recidivism by repeat DWI offenders[7]
- Establishing measureable goals for reducing impaired driving and tracking progress toward these goals[8]
- Reducing the per se blood alcohol concentration (BAC) limit for all drivers to 0.05 or lower and urging the National Highway Traffic Safety Administration (NHTSA) to seek legislative authority to award incentive grants for states to establish a lower BAC[9]

Tackling the epidemic of impaired driving required a shared commitment and collective efforts by policy makers, law enforcement, and organizations like Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID). The next big reductions in fatalities and injuries will require reinvigorating these efforts. The status quo is not acceptable.

Driver Distraction

For over a decade, the NTSB has completed investigation after investigation in which distracted driving was a contributing factor in the cause of crashes. We made our first recommendation to restrict cell phone use by novice drivers following a 2002 five-fatal median crossover accident in Largo, Maryland in which the driver was inexperienced and distracted.

We made our next set of recommendations to prohibit cell phone use by passenger-carrying commercial drivers following a 2004 motorcoach accident in Alexandria, Virginia, in which a driver using a hands-free device ran into an arch bridge that was too low for the bus to clear. Despite being familiar with the roadway, the driver was distracted by the cognitive aspects of his conversation. In 2010 we investigated a crash that resulted in 11 fatalities after a cell phone-distracted truck driver crossed over a median and struck a 15-passenger van head- on. We recommended that cell phone use be prohibited for all commercial drivers.

Finally, in 2010 we investigated a major collision in Gray Summit, Missouri in which a pick-up truck driver was texting, having sent 11 text messages in the 11 minutes immediately prior to the crash. Traveling at highway speed, he failed to see that traffic had slowed due to construction and collided with a truck tractor, creating a chain reaction involving two school buses. The crash resulted in the death of the driver who was texting and a student on one of the school buses. This accident prompted the NTSB to recommend a ban on the use of all portable electronic devices while behind the wheel for all drivers.[10]

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[7] To NHTSA: Develop/disseminate to the states best practices for driving while intoxicated (DWI) courts. (H-13-4)

[8] To the 50 States, the Commonwealth of Puerto Rico, and the District of Columbia: Take the following steps to move toward zero deaths from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of NTSB Safety Report implemented countermeasures and determining whether the targets have been met. (H-13-8)

[9] To NHTSA: Seek legislative authority to award incentive grants for states to establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits. (H-13-1)

[10] To the 50 States and the District of Columbia: (1) Ban the nonemergency use of portable electronic devices (other than those designed to support the driving task) for all drivers; (2) use the National Highway Traffic Safety

The safety community has directed considerable interest toward the topic of distracted driving. A 2013 survey conducted by the American Automobile Association's (AAA) Foundation for Traffic Safety identified a number of disturbing trends; for example, nearly 70 percent of drivers reported talking on cell phones while driving in the past 30 days, about 25 percent of the drivers admitted to typing text and e-mail messages while driving, and about 35 percent reported reading text or e-mail messages while driving. According to a NHTSA 2013 report, when drivers engage in visual-manual tasks, such as dialing or texting, the risk of a crash increases by a factor of three. In another 2013 AAA Foundation report, researchers found that a driver's level of cognitive distraction is about the same when using hands-free cell phones as when using hand-held cell phones.

We believe there are 3 aspects to reducing the dangers of using a cell phone while driving: effective laws and regulations, strong and consistent enforcement, and pervasive education. We also need to build a social infrastructure that dissuades distracted operations at all times, starting with new and existing drivers who are the agents of change, extending through their family and community support systems to reinforce appropriate behaviors, to the local and regional educational systems and enforcement to ensure proper guidance and corrections for behaviors.

Driver Fatigue

In addition to substance-impaired driving and distracted driving, the issue of driver fatigue remains a high priority and an area in which action is needed to reduce crashes, injuries, and deaths on our highways. The NTSB has a long history of issuing recommendations to prevent fatigue-related highway accidents, and preventing human fatigue was on the NTSB's Most Wanted List from 1990 – 2011. Additionally, fatigue has been identified as a contributing factor in numerous major commercial motor vehicle crashes investigated by the NTSB including recent investigations involving a fatal school bus crash in Chesterfield, New Jersey, a four-fatal motorcoach crash in Doswell, Virginia, and a fifteen-fatality bus crash in New York City, New York.

While hours-of-service regulations for commercial motor vehicle operators are important, electronic onboard recorders are needed to help enforce the regulations and provide accurate feedback to motor carriers; fatigue management programs are needed to educate operators and drivers about the dangers of fatigue and help operators make safety-minded scheduling decisions; medical screening of drivers at high risk for obstructive sleep apnea is needed for both the health of the driver and the safety of the motoring public; and deployment of technologies, such as drowsy driver warning systems that measure eye movement or steering behavior and lane departure warning systems, in commercial vehicles should be required.

Administration model of high visibility enforcement to support these bans; and (3) implement targeted communication campaigns to inform motorists of the new law and enforcement, and to warn them of the dangers associated with the nonemergency use of portable electronic devices while driving. (H-11-39)

The NTSB has numerous long-standing open recommendations focused on fatigued driving that could help mitigate this dangerous problem.

Recommendations include:

- Incorporating scientifically-based fatigue mitigation strategies into the hours-of-service regulations for passenger-carrying drivers[11]
- Requiring commercial vehicle carriers to use electronic onboard recorders[12]
- Requiring motor carriers to adopt a fatigue management program[13][14]
- Implementing a program to identify commercial drivers at high risk for obstructive sleep apnea[15][16]
- Deploying technologies in commercial vehicles to reduce fatigue-related crashes[17]

Forward Collision Warning Systems

Passive safety technologies such as airbags, anti-lock brake systems and electronic stability control systems have been associated with a sizable reduction in fatalities on the road. We believe that collision avoidance technologies can also reduce fatalities and injuries and that they can and should be more broadly available.

Since 1995, the NTSB has advocated collision warning systems and adaptive cruise control to prevent bus and truck accidents. In 2001, as part of its study on Vehicle- and Infrastructure-Based Technology for the Prevention of Rear-End Collisions, the NTSB investigated nine commercial vehicle rear-end collisions in which 20 people died and 181 were injured. Common to all nine accidents was the degraded perception of traffic conditions ahead by the driver. The NTSB recommended that NHTSA issue performance standards for adaptive

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[11] To FMCSA: Incorporate scientifically based fatigue mitigation strategies into the hours-of-service regulations for passenger-carrying drivers who operate during the nighttime window of circadian low. (H-12-30)

[12] To FMCSA: Require all interstate commercial vehicle carriers to use electronic onboard recorders that collect and maintain data concerning driver hours of service in a valid, accurate, and secure manner under all circumstances, including accident conditions, to enable the carriers and their regulators to monitor and assess hours-of-service compliance. (H-7-41)

[13] To FMCSA: Require all motor carriers to adopt a fatigue management program based on the North American Fatigue Management Program guidelines for the management of fatigue in a motor carrier operating environment.(H-10-9)

[14] To FMCSA: Establish an ongoing program to monitor, evaluate, report on, and continuously improve fatigue management programs implemented by motor carriers to identify, mitigate, and continuously reduce fatigue related risks for drivers. (H-12-29)

[15] To FMCSA: Implement a program to identify commercial drivers at high risk for obstructive sleep apnea and require that those drivers provide evidence through the medical certification process of having been appropriately evaluated and, if treatment is needed, effectively treated for that disorder before being granted unrestricted medical certification (H-9-15)

[16] To FMCSA: Develop and disseminate guidance for commercial drivers, employers, and physicians regarding the identification and treatment of individuals at high risk of obstructive sleep apnea (OSA), emphasizing that drivers who have OSA that is effectively treated are routinely approved for continued medical certification. (H-9-16)

[17] To FMCSA: to develop and implement a plan to deploy technologies in commercial vehicles to reduce the occurrence of fatigue-related accidents. (H-8-13)

cruise control and collision warning systems for new vehicles and recommended that all new vehicles be equipped with a collision warning system.[18][19][20]

In 2003, the NTSB investigated a multivehicle accident near Hampshire, Illinois, in which a tractor-trailer failed to slow for the stopped or slow-moving traffic on the approach to the Interstate 90 toll plaza, and the tractor-trailer struck the rear of a specialty bus, killing eight passengers and injuring 12. As a result, the NTSB reiterated the recommendations and asked NHTSA again to move quickly on a forward collision warning system rulemaking. These recommendations remain open.

We continue to investigate accidents in which this technology could save lives. Accidents in 2008 (Osseo, WI and Miami, OK) and in 2011 (Gray Summit, MO) could have been prevented or mitigated by collision warning systems. In the past two years alone, the NTSB investigated an additional six rear-end collisions which resulted in a total of 29 fatalities and 47 passenger injuries. Investigative teams at the NTSB are currently working on a special investigation report encompassing the lessons learned from these recent crashes.

Connected Vehicle Technologies

In addition to vehicle-based solutions such as forward collision warning systems, development and field testing is ongoing for connected vehicle technologies (vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I)). The connected vehicle technology program relies upon on dedicated short-range communication (DSRC) radios sending and receiving information between vehicles and traffic devices. For the V2V system to work, all vehicles require a DSRC radio connected to a GPS device. The radio transmits vehicle position to allow the cars receiving the information to predict the path and speed of surrounding vehicles. The range of the system is currently about 300 meters. The system interface warns a driver if one of the nearby vehicles is expected to encroach on the driver's projected path.

The V2I system communicates between approaching vehicles and an intersection or infrastructure to provide information such as whether the gap between vehicles on a cross road is sufficient for safe crossing. NHTSA analyses show that DSRC-based connected vehicle technology could address approximately 80 percent of the crash scenarios involving non-impaired drivers. Given the progress that has been made by government and industry leaders in this area, such an outcome is a realistic possibility and could radically reduce the number of roadway fatalities.

Recognizing the benefits of these technologies, the NTSB recently recommended that NHTSA develop minimum performance standards for connected vehicle technology for all highway vehicles so they may be installed on all new vehicles.[21][22]

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[18] To NHTSA: Complete rulemaking on adaptive cruise control and collision warning system performance standards for new commercial vehicles. At a minimum, these standards should address obstacle detection distance, timing of alerts, and human factors guidelines, such as the mode and type of warning. (H-1-6)

[19] To NHTSA: After promulgating performance standards for collision warning systems for commercial vehicles, require that all new commercial vehicles be equipped with a collision warning system. (H-1-7)

[20] To NHTSA: Complete rulemaking on adaptive cruise control and collision warning system performance standards for new passenger cars. At a minimum, these standards should address obstacle detection distance, timing of alerts, and human factors guidelines, such as the mode and type of warning. (H-1-8)

The NTSB's advocacy for intelligent vehicle technologies dates back to the 1990s. The NTSB first addressed this technology during its investigation of a 1995 multivehicle collision in Menifee, Arkansas. A commercial vehicle entered dense fog, slowed from 65 mph to between 35 and 40 mph, and was then struck from behind. Subsequent collisions occurred as other vehicles crashed into the wreckage. This accident, which involved eight loaded truck-tractor semitrailer combination units, resulted in five fatalities.

Even then—before today's wirelessly connected world existed—the need to establish dedicated communication airwaves for technologies that could prevent such collisions was recognized. As a result of the Menifee accident, the NTSB issued a recommendation to the Federal Communications Commission (FCC) requesting rulemaking action on the allocation of frequencies that would enhance the development possibilities of collision warning systems.[23] By 1999, the FCC had successfully allocated spectrum for collision avoidance systems.

This spectrum allocation is in the 5 gigahertz (GHz) band. Recently, there have been ongoing activities to potentially accommodate spectrum sharing in this band. The NTSB is not opposed to spectrum sharing in principle, but careful attention must be paid when considering spectrum sharing. Much is still unknown about frequency interference when it comes to vast numbers of connected vehicles in motion, and the implementation of this technological opportunity to improve transportation safety so significantly must not be compromised by issues associated with interference in the 5 GHz band.

Occupant Protection

The NTSB seeks to prevent crashes from occurring through measures such as improved oversight, driver education and training, high visibility enforcement, and the deployment of collision avoidance technologies. However, when a crash is not avoided, occupant protection is critical. For highway users, wearing a seatbelt, properly using a child safety seat, and wearing a motorcycle helmet are some of the best means for occupant protection. Unfortunately, far too many people do not use these lifesaving devices.

The NTSB has recommended mandatory seat belt laws since 1988 as one of the most effective means of preventing highway fatalities. Enforcement of those laws is an important component of increasing seatbelt use. Primary enforcement laws equip law enforcement with the tools to stop a vehicle for a seat belt violation. The NTSB supports primary enforcement laws for those states that do not already have it.[24]

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[21] To NHTSA: Develop minimum performance standards for connected vehicle technology for all highway vehicles. (H-13-30)

[22] To NHTSA: Once minimum performance standards for connected vehicle technology are developed, require this technology to be installed on all newly manufactured highway vehicles. (H-13-31)

[23] To FCC: Expedite rulemaking action on the allocation of frequencies that would enhance the development possibilities of collision warning systems. (H-95-46)

[24] To the Governor, and the Legislatures of the 50 States, the U.S. Territories, and the District of Columbia: Enact legislation that provides for primary enforcement of mandatory seatbelt use laws, including provisions such as the imposition of driver license penalty points and appropriate fines. Existing legal provisions that insulate people from the financial consequences of not wearing a seatbelt should be repealed. (H-97-2)

In regard to motorcoach occupant protection, the NTSB first called for seat belts to be installed on motorcoaches over four decades ago. Last month NHTSA announced a long-awaited final rule requiring seat belts on motorcoaches. The final rule requires adjustable seat belts for all passenger seats on new motorcoaches starting in 2016. The NTSB applauds NHTSA for moving forward on this lifesaving initiative.

In the past decade, the NTSB has investigated more than 30 motorcoach accidents that have resulted in over 140 fatalities, over 100 injuries, and over 250 bus passengers who were ejected. The structural integrity of a motorcoach is critical to maintaining a survivable occupant space for passengers, because intrusion into the occupant area can cause fatalities and injuries. Following our 1999 study of motorcoach passenger protection, we issued recommendations to NHTSA regarding roof strength and window glazing standards.[25] [26] We have reiterated these recommendations numerous times over the years. NHTSA should move immediately on this rulemaking.

Although highway fatalities have been trending downward over the last several years, motorcycle fatalities have been a marked exception. At the same time, there has also been a reduction in the number of states with helmet laws. The NTSB held a public forum in September 2006 to (1) review current issues in motorcycle safety, (2) gather information about ongoing motorcycle safety research and initiatives, and (3) discuss safety countermeasures that may reduce the likelihood of motorcycle accidents and fatalities. Unfortunately, our recommendations to the States to require the use of approved helmets have not been productive.[27] [28] [29]

Highway Barrier Design Improvements

NTSB accident investigations have revealed the need to invest in our nation's aging infrastructure and make improvements to better protect motorists operating on our highways. One specific area that deserves attention is the need to update many of the barriers—barriers bordering our highways, in our medians, and on our bridges—to prevent the types of catastrophic accidents involving commercial motor vehicles in which the roadside barriers fail to redirect

[25] To NHTSA: Develop performance standards for motorcoach roof strength that provide maximum survival space for all seating positions and that take into account current typical motorcoach window dimensions. (H-99-50) Once performance standards have been developed for motorcoach roof strength, require newly manufactured motorcoaches to meet those standards. (H-99-51)

[26] To NHTSA: Expand your research on current advanced glazing to include its applicability to motorcoach occupant ejection prevention, and revise window glazing requirements for newly manufactured motorcoaches based on the results of this research. (H-99-49)

[27] To the three states with no motorcycle helmet laws: Require that all persons shall wear a Department of Transportation Federal Motor Vehicle Safety Standard 218-compliant motorcycle helmet while riding (operating), or as a passenger on any motorcycle. (H-07-38)

[28] To the 27 states and 1 territory with partial motorcycle helmet laws: Amend current laws to require that all persons shall wear a Department of Transportation Federal Motor Vehicle Safety Standard 218-compliant motorcycle helmet while riding (operating), or as a passenger on any motorcycle. (H-07-39)

[29] To the 8 states, DC, and the 4 territories not specifically requiring FMVSS 218-compliant helmets: Amend current laws to specify that all persons shall wear a Department of Transportation Federal Motor Vehicle Safety Standard 218-compliant motorcycle helmet while riding (operating), or as a passenger on any motorcycle. (H-07-40)

larger commercial vehicles. With these vehicles becoming a greater percentage of traffic, especially on our heavily traveled interstates, barriers need to be improved and the NTSB has made a series of recommendations to FHWA to address this issue.[30][31][32][33]

Highway Safety – Summary

The number of deaths and injuries from crashes on our highways continues to be a national tragedy. Too many lives are lost in events that could be easily prevented. The NTSB continues to highlight lessons learned from the catastrophes we investigate and recommends a holistic and strategic approach that addresses driver impairment, vehicle design and safety, improvements to our infrastructure, and technological solutions. The safety of the motoring public needs to be a top priority.

Rail Mass Transit Safety

Federal safety oversight of public transportation has long been a key concern for the NTSB. In 1971, for example, the NTSB issued a special study on rapid rail transit safety that recommended the Urban Mass Transportation Administration – the predecessor agency to the Federal Transit Administration (FTA) -- require transit authorities' applications for capital improvement, demonstration, and research and development grants include a system safety plan for the project for which funds were sought. In a 1981 study, the NTSB recommended that DOT

> [p]ropose legislation to explicitly authorize the secretary of transportation to regulate the safety of rail rapid transit systems which receive federal financial assistance. Such legislation should include the authority to establish federal minimum safety standards, to enforce compliance, to conduct inspections, to conduct investigations of accidents and incidents, and such other general powers and duties as are necessary to provide for effective safety oversight.[34]

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[30] To the FHWA: Establish, in conjunction with the American Association of State Highway and Transportation Officials, performance and selection guidelines for bridge owners to use to develop objective warrants for high-performance Test Level Four, Five, and Six bridge railings applicable to new construction and rehabilitation projects where railing replacement is determined to be appropriate. (H-09-17)

[31] To the FHWA: Work with the American Association of State Highway and Transportation Officials to develop guidance for a bridge pier protection program that will allow state transportation agencies to conduct risk-based assessments of bridges located within highway interchanges. At a minimum, the program should consider each structure's redundancy, continuity, and the distance of bridge pier columns from the edge of traveled ways. Additionally, consider traffic volumes, traffic type, and the percentage of commercial vehicles transporting bulk liquid hazardous materials in identifying and prioritizing initiatives for preventing vulnerable bridges at high-risk interchanges from collapsing if struck or otherwise damaged by a heavy vehicle. (H-11-16)

[32] To the FHWA: Work with the American Association of State Highway and Transportation Officials to establish warrants and implementation criteria for the selection and installation of Test Level Four and Test Level Five median barriers on the National Highway System. (H-11-21)

[33] To the FHWA: Work with the American Association of State Highway and Transportation Officials to establish performance and selection guidelines for state transportation agencies to use in developing objective warrants for high-performance barriers applicable to new construction and rehabilitation projects where barrier replacement has been determined to be appropriate. (H-12-23)

[34] R-81-1.

Although the 1991 surface transportation authorization act – the Intermodal Surface Transportation Efficiency Act – created the state safety oversight program, over the next 20 years, the NTSB continued to find that state safety oversight of mass transit systems was ineffective, fragmented, and suffered from inadequate resources and untrained personnel. As a result of the NTSB's investigation of the WMATA accident near the Fort Totten station on June 22, 2009 (discussed further below), the NTSB again recommended that DOT

> continue to seek the authority to provide safety oversight of rail fixed guideway transportation systems, including the ability to promulgate and enforce safety regulations and minimum requirements governing operations, track and equipment, and signal and train control systems.[35]

The Moving Ahead for Progress in the 21st Century Act (MAP-21) authorized fundamental changes in federal safety oversight of public transportation. It established minimal Federal safety standards for rail transit systems and provided FTA with the authority to regulate safety for all modes of public transportation. The NTSB welcomes these new legislative mandates and looks forward to assisting FTA in implementing the new Public Transportation Safety Program. In issuing our 2014 Most Wanted List, we state:

> The FTA should consider the elements of safety culture, crew resource management, fatigue risk management, and technology, as well as lessons learned from the rail industry, as it moves forward with this new authority. Identifying and implementing these will be key to saving lives and preventing injuries.

Metro-North Railroad

On Friday, May 17, 2013, at the height of the evening rush hour, an eastbound Metro-North Railroad (Metro-North) passenger train, derailed and was struck by a westbound Metro-North Railroad passenger train Bridgeport, Connecticut. At the time of the accident, Metro-North estimated there were about 250 passengers on each train. As a result of the collision, 48 passengers, 2 engineers, and a conductor were transported to local hospitals. Fortunately, there were no fatalities. Metro-North estimated damage as a result of this accident at $18.5 million.

On May 28, eleven days later, Metro-North suffered a roadway worker fatality when Metro-North Railroad passenger train 1559, traveling westbound at 70 mph, struck and killed a track foreman working on the New Haven Line in West Haven, Connecticut.

As a result of the West Haven accident, on June 17, 2013, the NTSB issued an urgent recommendation to Metro-North and reiterated a recommendation to the Federal Railroad Administration (FRA) to require redundant protection, such as shunting, for maintenance-of-way work crews who depend on the train dispatcher to control access to occupied sections of track. A shunt is a device that crews can attach to the rails in a work zone to alert the dispatcher or

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[35] *Railroad Accident Report, Collision of Two Washington Metropolitan Area Transit Authority Metrorail Trains Near Fort Totten Station*, June 22, 2009, R-10-3, pp. 109-110.

controller and provides a stop signal for approaching trains. Metro-North subsequently implemented this recommendation; however, to date, the FRA has not taken action on this recommendation that was originally issued in 2008 following roadway worker fatalities in Woburn, Massachusetts. As a result of these two accidents, on November 6 and 7, 2013, the NTSB conducted an investigative hearing that examined the following issues: track maintenance and inspection, railroad passenger car crashworthiness, operational protection of on–track work areas, and organizational safety culture.

On December 1, 2013, a southbound Metro-North passenger train on the Hudson Line derailed in The Bronx, New York. Train movements on this line are governed by a traffic control system. The train originated in Poughkeepsie, New York with a destination of Grand Central Station in New York City. It consisted of seven passenger cars and one locomotive at the rear pushing the train. As a result of the derailment, 4 passengers died and 59 persons were transported to local hospitals for injuries. Metro-North estimated there were about 115 passengers on the train at the time of the derailment. Damage was estimated by Metro-North to be in excess of $9 million. Although NTSB's investigative work on the Bronx accident is continuing, our preliminary report issued on January 14, 2014, indicated the derailment occurred in a 6 degree left hand curve where speed was limited to 30 mph; the estimated train speed at the time of the derailment was 82 mph.

A positive train control system could have prevented two of these accidents and all five fatalities. More findings from these accidents will be revealed later this year as the NTSB completes all its on-going Metro-North investigations.

Chicago Transit Authority

On September 30, 2013, an unoccupied Chicago Transit Authority (CTA) train, moving under power from the Forrest Park Repair Terminal, collided with a revenue service train stopped at the Harlem Station on the Blue Line. There were 40 passengers on the train at the time of the collision, of which 33 were transported to local hospitals. Damage was estimated by CTA to be in excess of $6 million.

As a result of this accident, the NTSB issued urgent safety recommendations to CTA and FTA. The urgent safety recommendations to CTA included reviewing its operating and maintenance procedures for parked unoccupied cars to insure the propulsion and brake systems are left in a condition that would not facilitate unintended movement and to implement a redundant means of stopping unintended rail car movements, such as wheel chocks or a derail. The urgent recommendation to FTA was to issue a safety advisory to all transit properties requesting they review their procedures and implement similar requirements. CTA subsequently implemented this recommendation and FTA issued a "Dear Colleague" letter to all transit properties.

Additional findings and recommendations will be revealed as the NTSB completes its on-going investigation into this accident.

Washington Metropolitan Area Transit Authority

On Monday, June 22, 2009, WMATA Metrorail train 112 struck the rear of stopped Metrorail train 214. The accident occurred on aboveground track on the Metrorail Red Line near the Fort Totten station in Washington, D.C. When train 112 struck the rear car of train 214, the lead car of train 112 suffered a loss of occupant survival space of about 63 feet (about 84 percent of its total length). Nine people aboard train 112, including the train operator, were killed. Emergency response agencies reported transporting 52 people to local hospitals. Damage to train equipment was estimated to be $12 million.

The NTSB determined that the probable cause of the collision was (1) a failure of the track circuit modules that caused the automatic train control system to lose detection of the struck train and thus failed to transmit speed commands to the striking train , and (2) WMATA's failure to ensure that the enhanced track circuit verification test (developed following near-collisions at the 2005 Rosslyn, Virginia Metrorail station) was institutionalized and used systemwide, which would have identified the faulty track circuit before the accident.

Contributing to the accident were (1) WMATA's lack of a safety culture, (2) WMATA's failure to effectively maintain and monitor the performance of its automatic train control system, (3) GRS/Alstom Signaling Inc.'s failure to provide a maintenance plan to detect spurious signals that could cause its track circuit modules to malfunction, (4) ineffective safety oversight by the WMATA Board of Directors, (5) the Tri-State Oversight Committee's ineffective oversight and lack of safety oversight authority, and (6) the FTA's lack of statutory authority to provide federal safety oversight.

Also contributing to the severity of passenger injuries and the number of fatalities was WMATA's failure to replace or retrofit the 1000-series railcars after these cars were shown in a previous accident to exhibit poor crashworthiness.

Since 2006, 29 safety recommendations have been issued to WMATA as a result of accidents. To date, 21 of these are closed, having been acted upon in an acceptable manner; 8 of these recommendations remain open, but WMATA is making progress toward implementing them.

Conclusion

The safety issues and the accidents discussed today are a reminder that there is much to be done to improve the safety of highway transportation and mass transit operations. Accidents provide a unique opportunity to identify real world issues, and we can and should learn from our mistakes. We do not need to go to another accident scene to relearn the same lessons. We have the facts; we only need the will.

Mr. Chairman, this completes my statement, and I will be happy to respond to any questions you may have.

NTSB Responses to Vice Chairman Christopher Hart Questions for the Record

Rep. Norton Question 1:

In 2009, following a Texas motor coach accident, NTSB issued Safety Recommendation H-09-22, recommending that NHTSA "require all new motor vehicles weighing over 10,000 pounds to be equipped with direct tire pressure monitoring systems to inform drivers of the actual tire pressures on their vehicles." In MAP-21, Congress gave DOT the authority to work through this complex issue and determine whether to proceed with rulemaking. What role can the NTSB play to encourage NHTSA to expedite its decision with respect to commercial buses? Does the NTSB continue to believe that tire pressure monitoring systems are an important safety feature in motorcoaches that can help save lives?

VC Hart Answer:

Tire pressure monitoring systems have been required equipment on most vehicles weighing under 10,000 pounds since 2007. We believe that their benefit extends not just to motorcoaches, but to all vehicles weighing over 10,000 pounds. Tire pressure monitoring systems have the potential to eliminate tire failures caused by tire underinflation or overloading, and are a cost-effective and available technology that can be implemented now, as demonstrated by NHTSA's own research.

Accordingly, the NTSB continues to advocate for Safety Recommendation H-09-22 in our meetings and correspondence with NHTSA. In our most recent letter to NHTSA on this issue, dated February 10, 2014, we recognized the importance of improved tire performance for safe commercial vehicle operations and encouraged NHTSA to move forward, in accordance with MAP-21, to require direct tire pressure monitoring systems to further improve commercial vehicle tire safety. We intend to keep Safety Recommendation H-09-22 open and continue our advocacy on the issue until the intent of the recommendation is satisfied. Additionally, if future investigations warrant, the NTSB can and will reiterate this recommendation to bring additional focus on the benefits of equipping commercial vehicles with tire pressure monitoring systems. The NTSB maintains that these systems are very beneficial.

Rep. Norton Question 2:

In 2012, 4,957 motorcyclists were killed and 93,000 were injured on our nation's roads. The number of motorcycle crash fatalities has more than doubled since a low of 2,116 in 1997. Thus, between 1997 and 2012 motorcycle fatalities rose an astonishing 134%. Additionally,

motorcyclists represented 14 percent of the total traffic fatalities in 2012, yet accounted for only 3 percent of all registered vehicles in the United States. Helmets saved the lives of almost 1,700 motorcyclists in 2012 and 781 more riders could have been saved had they worn helmets. Further, for every 100 motorcycle riders killed in crashes while not wearing a helmet, 3 7 of them could have been saved if they were helmeted. According to the Government Accountability Office (GAO), laws requiring all motorcyclists to wear helmets are the only strategy proven to be effective in reducing fatalities. Vice Chairman Hart, why did the NTSB take motorcycle safety and recommendation in support of all-rider helmet laws off of its recently-published Most Wanted List? Does the NTSB continue to believe that preventing motorcycle accidents is a pressing safety issue?

VC Hart Answer:

The NTSB agrees that motorcycle helmet use can reduce injuries and save lives, and motorcycle safety remains a pressing safety issue for the NTSB. In fact, the issue of motorcycle helmets is included on this year's Most Wanted List under the topic of "Strengthen Occupant Protection in Transportation." As we advocate for strong seatbelt and childseat laws, we also will be advocating for motorcycle helmet laws.

Rep. Nadler Question:

Fatality figures from 2012 show an increase in large truck fatalities for the third year in a row- a 16 percent increase in truck crash deaths since 2009. Last year, 3,921 people were killed on our roads in large truck crashes. Furthermore, in fatal truck/car crashes, 98 percent of the deaths are the occupants of the passenger vehicle. Truck crashes impose unnecessary and unacceptable economic and emotional costs on society. According to the federal government, the annual cost to society from crashes involving commercial motor vehicles is estimated to be over $83 billion. How many NTSB safety recommendations that pertain to safety matters involving motor carriers and commercial motor vehicles that have not been fully responded to by the Federal Motor Carrier Safety Administration remain open? Can you supply the Committee with a complete list of those safety recommendations?

VC Hart Answer:

There are 66 recommendations to the FMCSA, all pertaining to motor carrier and commercial motor vehicle safety, that are currently in an open status and awaiting final action by the FMCSA. Two of these recommendations have been open since 1999. The statuses of these open recommendations are as follows: "Open—Acceptable Response" (33), "Open—Acceptable

Alternate Response" (2), "Open—Unacceptable Response" (25), and "Open—Initial Response Received" (6). A table listing these recommendations is attached.

Rep. Esty Question 1:

Two major accidents occurred on the Metro-North Railroad in Connecticut this past May. In response, the NTSB issued an urgent recommendation to Metro-North that was subsequently implemented. However, the NTSB also reiterated a recommendation originally issued in 2008 to the Federal Railroad Administration (FRA) to require redundant protection. To date, the FRA has not taken action on this recommendation. Mr. Hart, can you please provide a summary of the feedback you've received as to why FRA has not yet acted on this recommendation?

VC Hart Answer:

On Tuesday, January 9, 2007, at 1:38 p.m., southbound Massachusetts Bay Transportation Authority (MBTA) passenger train 322 operated by Massachusetts Bay Commuter Railroad (MBCR) struck a track maintenance vehicle that was on the track near Woburn, Massachusetts. Two maintenance workers were killed and two were seriously injured.

As a result, the NTSB issued Safety Recommendation R-08-06 to the FRA on April 10, 2008:

> Require redundant signal protection, such as shunting, for maintenance-of-way work crews who depend on the train dispatcher to provide signal protection. R-08-06

The FRA responded to this recommendation on September 16, 2008, stating that all available options would be analyzed and that a Notice of Proposed Rulemaking (NPRM) would soon be issued on roadway worker protection.

The NTSB responded on August 18, 2008, to an NPRM issued by the FRA regarding positive train control, commenting that single point failures in roadway worker protection still needed to be addressed.

The NTSB also responded to the roadway worker protection NPRM on October 19, 2012, stating, "The circumstances that gave rise to this recommendation remain the same; consequently we continue to urge the FRA to add a provision in the final rule to require the use of redundant forms of protection, such as shunting."

As you know, on May 28, 2013, at 11:57 a.m. eastern daylight time, Metro-North Railroad passenger train 1559, traveling westbound at 70 mph, struck and killed a track foreman working on the main track at the new West Haven, CT train station.

On June 17, 2013, the NTSB reiterated safety recommendation R-08-06 to the FRA following this accident. To date, the NTSB has not received a response to this reiterated recommendation. We will continue to push for this common sense recommendation and look forward to working with you to implement this recommendation that will save workers' lives.

Rep. Esty Question 2:

Your agency issued a preliminary report of your investigation on January 14, 2014, but your investigative work is ongoing. Can you provide this Committee with a progress report on this investigation, including a summary of current findings and an estimate of when we can expect NTSB to issue its final report?

VC Hart Answer:

Our investigation into the December 1, 2013, derailment in the Bronx continues. Current findings:

- Event recorder data indicates train 8808 was travelling at 82 mph in a zone restricted to 70 mph as it approached the curve.
- The train entered the 30 mph curve at 82 mph with no indication of advance braking.
- All 7 cars derailed. Several of the cars that came to rest upright showed indications of having been on their side during the derailment sequence.
- Of the estimated 115 passengers and 4 crewmembers on board, 4 were killed and 59 were transported to area hospitals.
- Metro-North estimated damage as in excess of $9 million.
- Postaccident inspections and testing indicated that track, signals and rolling stock functioned appropriately.
- Current investigative activities involve record reviews and follow up interviews.

The NTSB is investigating 4 accidents on Metro-North. It is unusual for an organization of Metro-North's size to have so many open NTSB investigations. The NTSB will combine the Metro-North investigations into a special investigation report currently scheduled to be presented to the Board in November.

If we see the need for additional safety recommendations at any time, we will issue those to the appropriate entity.

Table 1. Open NTSB Recommendations to the FMCSA

Number	Status	Recommendation
H-99-006	Open-Unacceptable Response	Change the safety fitness rating methodology so that adverse vehicle and driver performance-based data alone are sufficient to result in an overall unsatisfactory rating for the carrier.
H-99-008	Open-Acceptable Alternate Response	Require motorcoach operators to provide passengers with pre-trip safety information.
H-01-017	Open-Acceptable Response	Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: Individuals performing medical examinations for drivers are qualified to do so and are educated about occupational issues for drivers.
H-01-018	Open-Acceptable Response	Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: A tracking mechanism is established that ensures that every prior application by an individual for medical certification is recorded and reviewed.
H-01-019	Open-Acceptable Response	Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: Medical certification regulations are updated periodically to permit trained examiners to clearly determine whether drivers with common medical conditions should be issued a medical certificate.
H-01-020	Open-Acceptable Response	Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: Individuals performing examinations have specific guidance and a readily identifiable source of information for questions on such examinations.
H-01-021	Open-Acceptable Response	Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: The review process prevents, or identifies and corrects, the inappropriate issuance of medical certification.

H-01-024	Open-Unacceptable Response	Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: Mechanisms for reporting medical conditions to the medical certification and reviewing authority and for evaluating these conditions between medical certification exams are in place; individuals, health care providers, and employers are aware of these mechanisms.
H-01-025	Open-Unacceptable Response	Develop a system that records all positive drug and alcohol test results and refusal determinations that are conducted under the U.S. Department of Transportation testing requirements, require prospective employers to query the system before making a hiring decision, and require certifying authorities to query the system before making a certification decision.
H-02-008	Open-Acceptable Response	Amend Code of Federal Regulations 383.51 (e), "Disqualification for railroad-highway grade crossing violation," to include a violation for drivers of low-clearance or slow-moving vehicles who fail to make arrangements with the railroad for safe passage, when required.
H-02-015	Open-Acceptable Response	Revise 49 Code of Federal Regulations 396.13, Driver Inspection, to require minimum pretrip inspection procedures for determining brake adjustment.
H-02-016	Open-Unacceptable Response	Require that vehicle inspections of a motor carrier's fleet be conducted during compliance reviews.
H-02-017	Open-Acceptable Response	During compliance reviews, rate companies as unsatisfactory in the vehicle factor category if the mechanics and drivers responsible for maintaining brake systems are not qualified brake inspectors.
H-02-018	Open-Acceptable Response	Revise 49 Code of Federal Regulations 396.25, Qualifications of Brake Inspectors, to require certification after testing as a prerequisite for qualification and specify, at a minimum, formal training in brake maintenance and inspection.

H-03-002	Open-Acceptable Response	Require all new motor carriers seeking operating authority to demonstrate their safety fitness prior to obtaining new entrant operating authority by, at a minimum: (1) passing an examination demonstrating their knowledge of the Federal Motor Carrier Safety Regulations; (2) submitting a comprehensive plan documenting that the motor carrier has management systems in place to ensure compliance with the Federal Motor Carrier Safety Regulations; and (3) passing a Federal Motor Carrier Safety Administration safety audit, including vehicle inspections.
H-05-003	Open-Unacceptable Response	Revise the Federal Motor Carrier Safety Regulations Appendix G to Subchapter B, Minimum Periodic Inspection Standards, Part 10: Tires, Sections A(5) and B(7), to include inspection criteria and specific language to address a tire's speed rating to ensure that it is appropriate for a vehicles intended use.
H-05-004	Open-Unacceptable Response	Conduct a study on the safety effectiveness of the self-inspection and certification process used by motor carriers to comply with annual vehicle inspection requirements and take corrective action, as necessary.
H-05-005	Open-Unacceptable Response	Develop a method for inspecting motorcoach passenger seat mounting anchorages and revise the Federal Motor Carrier Safety Regulations Appendix G to Subchapter B, Minimum Periodic Inspection Standards, to require inspection of these anchorages.
H-06-002	Open-Acceptable Alternate Response	Require drivers of commercial vehicles that weigh less than 26,000 pounds and are equipped with air brakes to undergo training and testing to demonstrate proficiency in the inspection and operation of air-braked vehicles; the training should emphasize that manually adjusting automatic slack adjusters is dangerous and should not be done, except during installation or in an emergency to move the vehicle to a repair facility.
H-06-017	Open-Acceptable Response	Establish a program to verify that motor carriers have ceased operations after the effective date of revocation of operating authority.

H-07-001	Open-Acceptable Response	Establish a process to continuously gather and evaluate information on the causes, frequency, and severity of bus and motorcoach fires and conduct ongoing analysis of fire data to measure the effectiveness of the fire prevention and mitigation techniques identified and instituted as a result of the Volpe National Transportation Systems Center fire safety analysis study.
H-07-003	Open-Unacceptable Response	To protect the traveling public until completion of the Comprehensive Safety Analysis 2010 Initiative, immediately issue an Interim Rule to include all Federal Motor Carrier Safety Regulations in the current compliance review process so that all violations of regulations are reflected in the calculation of a carrier's final rating.
H-07-041	Open-Unacceptable Response	Require all interstate commercial vehicle carriers to use electronic on-board recorders that collect and maintain data concerning driver hours of service in a valid, accurate, and secure manner under all circumstances, including accident conditions, to enable the carriers and their regulators to monitor and assess hours-of-service compliance.
H-07-042	Open-Unacceptable Response	As an interim measure and until industrywide use of electronic on-board recorders is mandated, as recommended in Safety Recommendation H-07-41, prevent log tampering and submission of false paper logs by requiring motor carriers to create and maintain audit control systems that include, at a minimum, the retention of all original and corrected paper logs and the use of bound and sequentially numbered logs.
H-08-013	Open-Unacceptable Response	Develop and implement a plan to deploy technologies in commercial vehicles to reduce the occurrence of fatigue-related accidents.
H-09-015	Open-Acceptable Response	Implement a program to identify commercial drivers at high risk for obstructive sleep apnea and require that those drivers provide evidence through the medical certification process of having been appropriately evaluated and, if treatment is needed, effectively treated for that disorder before being granted unrestricted medical certification.

H-09-016	Open-Acceptable Response	Develop and disseminate guidance for commercial drivers, employers, and physicians regarding the identification and treatment of individuals at high risk of obstructive sleep apnea (OSA), emphasizing that drivers who have OSA that is effectively treated are routinely approved for continued medical certification.
H-09-018	Open-Acceptable Response	Establish a regulatory requirement within 49 Code of Federal Regulations 382.405 that provides the National Transportation Safety Board, in the exercise of its statutory authority, access to all positive drug and alcohol test results and refusal determinations that are conducted under the U.S. Department of Transportation testing requirements.
H-09-019	Open-Unacceptable Response	Require that tire pressure be checked with a tire pressure gauge during pretrip inspections, vehicle inspections, and roadside inspections of motor vehicles.
H-09-020	Open-Unacceptable Response	Require those states that allow private garages to conduct Federal Motor Carrier Safety Administration inspections of commercial motor vehicles to have a quality assurance and oversight program that evaluates the effectiveness and thoroughness of those inspections.
H-09-021	Open-Acceptable Response	Develop an evaluation component to determine the effectiveness of your New Applicant Screening Program.
H-09-032	Open-Acceptable Response	Update and redistribute your "Driver Fatigue Video" to include current information on fatigue and fatigue countermeasures and make the video available electronically. Implement a plan to regularly update and redistribute the video.
H-09-033	Open-Acceptable Response	Revise 49 Code of Federal Regulations Part 376 to require that passenger motor carriers are subject to the same limitations on the leasing of equipment as interstate for-hire motor carriers of cargo.
H-09-034	Open-Acceptable Response	Seek statutory authority to deny or revoke operating authority for commercial interstate motor carriers found to have applications for operating authority in which the applicant failed to disclose any prior operating relationship with another motor carrier, operating as another motor carrier, or being previously assigned a U.S. Department of Transportation number.

H-09-036	Open-Acceptable Response	Establish a requirement to review all passenger carrier lease agreements during new entrant safety audits and compliance reviews to identify and take action against carriers that have lease agreements that result in a loss of operational control by the certificate holder.
H-09-037	Open-Unacceptable Response	Assist the National Highway Traffic Safety Administration in developing a Web-based database of FMVSS-compliant passenger-carrying commercial motor vehicles that can be utilized by federal, state, and local enforcement inspection personnel to identify non-FMVSS-compliant passenger-carrying commercial motor vehicles so that these vehicles (other than exempted vehicles) are placed out of service and cease operating in the United States. Implement a process to periodically update this database.
H-09-038	Open-Unacceptable Response	Require that federal and state inspectors utilize the database requested in Safety Recommendation H-09-37 during both roadside and compliance review inspections of passenger-carrying commercial motor vehicles to identify and place out of service non-FMVSS-compliant vehicles.
H-09-039	Open-Unacceptable Response	Institute a requirement for federal and state enforcement officials to obtain training on a procedure to physically inspect passenger-carrying commercial motor vehicles for an FMVSS compliance label, and work with the Commercial Vehicle Safety Alliance to develop and provide this training.
H-09-040	Open-Unacceptable Response	Require that passenger motor carriers certify on their OP-1(P) forms (Application for Motor Passenger Carrier Authority) and initial MCS-150 form (Motor Carrier Identification Report [Application for USDOT Number]) and subsequent required biennial submissions that all vehicles operated, owned, or leased per trip or per term met the FMVSSs in effect at the time of manufacture.
H-09-041	Open-Unacceptable Response	Seek statutory authority to suspend, revoke, or withdraw a motor carrier's operating authority upon discovering the carrier is operating any non-FMVSS-compliant passenger-carrying commercial motor vehicles, a violation of the FMVSS-compliant certification requested in Safety Recommendation H-09-40.

H-10-008	Open-Acceptable Response	Create educational materials that provide current information on fatigue and fatigue countermeasures and make the materials available in different formats, including updating and redistributing your truck-driver-focused driver fatigue video; make the video available electronically for quicker dissemination; and implement a plan to regularly update the educational materials and the video with the latest scientific information and to regularly redistribute them.
H-10-009	Open-Unacceptable Response	Require all motor carriers to adopt a fatigue management program based on the North American Fatigue Management Program guidelines for the management of fatigue in a motor carrier operating environment.
H-10-010	Open-Unacceptable Response	Require all heavy commercial vehicles to be equipped with video event recorders that capture data in connection with the driver and the outside environment and roadway in the event of a crash or sudden deceleration event. The device should create recordings that are easily accessible for review when conducting efficiency testing and system wide performance-monitoring programs.
H-10-011	Open-Unacceptable Response	Require motor carriers to review and use video event recorder information in conjunction with other performance data to verify that driver actions are in accordance with company and regulatory rules and procedures essential to safety.
H-11-002	Open-Acceptable Response	Work with the Pipeline and Hazardous Materials Safety Administration, as appropriate, to develop and disseminate guidance that will assist hazardous materials carriers in implementing comprehensive cargo tank motor vehicle rollover prevention programs, including the active participation of drivers, dispatchers, and management through training, loading practices, delivery schedules, and acquisition of equipment.
H-11-003	Open-Initial Response Received	Require all in-use cargo tank trailers with a gross vehicle weight rating greater than 10,000 pounds to be retrofitted with a rollover stability control system.
H-12-007	Open-Unacceptable Response	Revise the MCS-150 reporting requirements, as specified in 49 Code of Federal Regulations 390.19, to require that motor carriers report fleet mileage, by year, for the 2-year reporting period.

H-12-008	Open-Acceptable Response	Develop and implement a plan for consistent, nationwide enforcement of the MCS-150 reporting requirements, as specified in 49 Code of Federal Regulations 390.19, among interstate passenger carriers.
H-12-009	Open-Acceptable Response	Revise the safety measurement system for passenger carrier risk assessment and ranking to include an analysis that uses only passenger carrier data for performance comparisons, to ensure accurate and comparable safety rankings.
H-12-010	Open-Acceptable Response	Revise the passenger carrier safety information posted on the Federal Motor Carrier Safety Administration website and SaferBus mobile application to assist consumers in interpreting safety information. The revisions should (1) address means to assist consumers in locating and interpreting information about passenger carrier safety, (2) enable consumers to compare the safety of two or more passenger carriers, (3) assist consumers in understanding the percentage safety ranking scales, and (4) incorporate easy-to-use ranking methods, such as quantitative star ratings.
H-12-011	Open-Acceptable Response	Evaluate (1) whether passenger carrier consumers, drivers, and operators can easily find and use the National Consumer Complaint Database (NCCDB) and (2) whether conducting additional advertising of the NCCDB and providing additional instructions on its use could ensure that passenger carrier consumers, drivers, and operators are aware of and able to use the NCCDB reporting system.
H-12-012	Open-Acceptable Response	Develop and implement a system for incorporating information about passenger carriers, derived from the National Consumer Complaint Database, for use in prioritizing passenger carrier inspections.
H-12-013	Open-Acceptable Response	Develop and disseminate guidance for motor carriers on how to most effectively use currently available onboard monitoring systems and develop a plan to periodically update the guidance.
H-12-014	Open-Acceptable Response	Upon completion of the field operational tests for onboard monitoring systems, determine whether test results indicate that such systems would reduce accidents or injuries, and, if so, require commercial motor carriers to use these systems to improve driver safety.

H-12-015	Open-Unacceptable Response	Revise 49 Code of Federal Regulations 391.23 to require that motor carriers obtain a 10-year driving history for all prospective commercial vehicle drivers.
H-12-016	Open-Unacceptable Response	Revise 49 Code of Federal Regulations 384.225 to require that states retain on the Commercial Driver's License Information System driver record all convictions, disqualifications, and other licensing actions for violations during the prior 10 years.
H-12-017	Open-Acceptable Response	Include safety measurement system rating scores in the methodology used to determine a carrier's fitness to operate in the safety fitness rating rulemaking for the new Compliance, Safety, Accountability initiative.
H-12-018	Open-Acceptable Response	Include in the safety fitness rating rulemaking for the new Compliance, Safety, Accountability initiative a structured process, such as the Safety Management Cycle, to be used by Federal Motor Carrier Safety Administration investigators and their state Motor Carrier Safety Assistance Program agents, as an audit tool for investigators to (1) identify the root cause of safety risks found during compliance reviews, and (2) deliver constructive guidance to motor carriers to ensure the promotion of safety management.
H-12-029	Open-Acceptable Response	Establish an ongoing program to monitor, evaluate, report on, and continuously improve fatigue management programs implemented by motor carriers to identify, mitigate, and continuously reduce fatigue-related risks for drivers. (This safety recommendation supersedes Safety Recommendation H-08-14.)
H-12-030	Open-Acceptable Response	Incorporate scientifically based fatigue mitigation strategies into the hours-of-service regulations for passenger-carrying drivers who operate during the nighttime window of circadian low.
H-12-031	Open-Unacceptable Response	As a component of your new entrant safety audits, review with each new entrant motor carrier a structured process, such as the Safety Management Cycle, to (1) identify the root cause of safety risks and (2) maintain an effective safety assurance program.

H-13-020	Open-Initial Response Received	Ensure that the data collection for the successor to the initial Large Truck Crash Causation Study includes full accident investigations that will enable scrutiny of crash, vehicle, environmental, roadway, and driver variables contributing to non-fatal injuries and deaths in large truck crashes.
H-13-021	Open-Initial Response Received	Conduct an assessment of the frequency with which single-unit truck drivers are operating with invalid licenses, together with the associated risks of invalid licensure, and publish the findings.
H-13-022	Open-Initial Response Received	Evaluate the potential benefits of extending commercial driver licensure requirements to the operation of single-unit trucks with gross vehicle weight ratings below 26,001 pounds.
H-13-023	Open-Initial Response Received	If the evaluation in H-13-22 indicates a benefit from extending commercial driver's licensure, require commercial driver's licenses for drivers of single-unit trucks in gross vehicle weight rating classes for which benefits have been shown.
H-13-027	Open-Initial Response Received	Require that all persons applying for inclusion on the National Registry of Certified Medical Examiners have both a thorough knowledge of pharmacology and current prescribing authority.

United States House of Representatives

Committee on the Transportation and Infrastructure

Subcommittee on Highways and Transit

Hon. Tom Petri, Chairman

Testimony of:

Mr. Douglas Danko, Chairman
American Traffic Safety Services Association (ATSSA)

January 28, 2014

Chairman Petri, Ranking Member Norton and members of the Subcommittee, thank you for the opportunity to testify today on behalf of the American Traffic Safety Services Association (ATSSA). My name is Douglas Danko, and I am ATSSA's Chairman and recently retired President of Protection Services, Inc. ATSSA is an international trade association which represents 1,600 members who manufacture, distribute or install roadway safety infrastructure devices such as guardrail/cable barrier, pavement markings, rumble strips, signs, and temporary traffic control devices, among many other activities.

Currently, a perfect storm has emerged for our nation's infrastructure. We see increased needs and reduced and struggling revenue streams. According to the American Society of Civil Engineers' 2013 Report Card for America's Infrastructure, roads scored a "D" and bridges scored a "C+".[1] In addition, we are spending more from the Highway Trust Fund than we are collecting in taxes and fees – a situation that the U.S. Department of Transportation estimates that the Fund will "encounter a shortfall" before the end of Fiscal Year 2014.[2]

Although this seems like a dark and gloomy forecast, it actually represents a tremendous opportunity for Congress, the White House and stakeholders to come together to develop a long-term solution to our nation's transportation investment needs - including solutions to dramatically reduce roadway fatalities and serious injuries.

ATSSA believes that, as a country, we have an opportunity to move Toward Zero Deaths on our roadways. Although this is an ambitious, and some say impossible, goal - a goal of anything less is unacceptable. Which of us would want to select a friend, neighbor or member of our own family who would not return home safely?

In order to accomplish this and many of the other important goals that are needed to improve our nation's transportation network, the fiscal situation of the Highway Trust Fund must be addressed and made sustainable. ATSSA is committed to working with Congress to find additional revenue options that will invest in our infrastructure, save lives, create jobs and represent a positive investment by American taxpayers. As an association and industry, we believe that all funding options should be on the table.

MAP-21 made great strides in making roads safer for roadway workers and road users alike. However, more must be accomplished. The Highway Safety Improvement Program (HSIP) was increased to $2.4 billion annually, which represents a commitment by Congress to safety. This new funding level is 7% of the overall federal-aid highway program. However, in 2012, 33,561 men, women and children died on America's roads. This is an increase of 1,082 fatalities from 2011.[3] Even though the loss of a loved one

[1] American Society of Civil Engineers: http://www.infrastructurereportcard.org/a/#p/home

[2] U.S. Department of Transportation: http://www.dot.gov/highway-trust-fund-ticker

[3] NHTSA: http://www.nhtsa.gov/About+NHTSA/Press+Releases/NHTSA+Data+Confirms+Traffic+Fatalities+Increased+In+2012

cannot truly be captured in dollar figures, the National Highway Traffic Safety Administration (NHTSA) does value a "statistical life" at $9.1 million.[4] When multiplied against the number of fatalities, the figure is staggering.

The good news is that since the HSIP was created, there has been a dramatic decrease in roadway deaths. In order to remain on the offense and reduce highway fatalities, we must continue to invest in programs that are working, such as the HSIP. Projects that are eligible under the HSIP generally have a very high return on investment. For instance, Kentucky recently installed high friction surfacing applications and preliminary results indicate a 69% reduction in crashes. In addition, according to the Texas A&M Transportation Institute, wider edge lines reduce total crashes 15% - 30% and yield a benefit cost ratio of between $33 and $55 for every $1 spent depending on the particular project.[5] Finally, according to a June 2010 study conducted by SAIC, the HSIP yields a benefit cost ratio of 42.7:1. The study notes that for every $1 million increase in safety obligations, roadway fatalities were annually reduced by 7.[6] It is also important to note that this study was completed using the older $6.1 million figure by NHTSA instead of the current $9.1 million statistic. One would imagine that this return on investment might be even higher today. ATSSA recommends that the HSIP be continued as a core program and that that the investment in that program be increased to $3 billion annually or 10% of the overall federal-aid highway program, whichever is higher.

Two other changes to the HSIP will help ensure that the program is as strong and safety-focused as possible. In the next reauthorization, Congress should limit or eliminate a state's ability to transfer funds from the HSIP to other core highway programs. It is true that states need degrees of flexibility when focusing on their individual project needs. However, with more than 33,000 fatalities occurring each and every year, taking funds away from the core safety infrastructure program seems counterproductive.

Also, when MAP-21 was crafted, the legislative language "but is not limited to"[7] was added before the list of eligible HSIP activities. Unfortunately, this language has been interpreted to mean that any safety project, infrastructure or not, may be eligible under the HSIP, thus diluting the core purpose of the program. In the next reauthorization, ATSSA recommends focusing the language to reflect additional safety infrastructure devices instead of the more open-ended interpretation currently used by the Federal Highway Administration.

In addition to these funding and HSIP-related changes, which will enhance safety nationwide and save more lives, there are two additional policy areas that are critical to safety. According to the National

[4] U.S. Department of Transportation: http://www.dot.gov/sites/dot.dev/files/docs/VSL%20Guidance%202013.pdf

[5] Texas A&M Transportation Institute: https://tti.tamu.edu/2012/03/22/new-study-makes-strong-case-for-wider-edge-line-markings-on-rural-two-lane-highways/

[6] Highway Safety Improvement Program Obligations and Fatalities on U.S. Highways: Final Report: http://s3.amazonaws.com/media.atssa.com/default-file/HSIP%20Obli_7-09-10.pdf

[7] MAP-21: page 46

Association of Counties, counties own and maintain 1.8 million miles of roads which equates to about 44% of all public roads.[8] However, local agencies often do not have the resources necessary to address their safety concerns.[9] According to FHWA, the fatality rate on rural roads is 2.5 times greater than that on urban roads.[10] MAP-21 directed the Federal Highway Administration to undertake a study and produce a manual for state and local transportation departments that showcases cost-effective roadway safety infrastructure improvements for rural roads. That study indicated that there are five areas of concern for local agencies and rural roads, including:

- Lack of funds to implement projects or to match State or Federal programs;
- Lack of technical expertise to identify and select treatments;
- Lack of routine and effective communication between local agencies and state DOTs;
- Local agencies are unfamiliar with the Federal-aid process or perceive it as too cumbersome;
- Competition from the large number of local agencies for State or Federal funds makes it difficult to secure funding.

These are both serious and addressable concerns. The next reauthorization should include language to help streamline this communication and allow local government entities to utilize funds and the technical expertise that state DOTs have in order to make local and rural roads as safe as possible.

In addition, older driver safety is of utmost importance. According to AAA, by 2030, one in four (or 25%) of American drivers will be 65 years or older. Cost-effective infrastructure solutions help older Americans safely age in place. These solutions are outlined in the Federal Highway Administration's Highway Design Handbook for Older Drivers and Pedestrians and include projects such as larger and brighter signs with larger font, wider and brighter pavement markings and dedicated left-turn lanes, among many other applications. However, because there is a clear need for these solutions into the future, the next reauthorization should include language that assists state and local transportation departments in planning for and implementing these cost-effective safety infrastructure solutions.

Another aspect of roadway safety infrastructure that is important to address is work zone safety. SAFETEA-LU created, and MAP-21 continued, the Work Zone Safety Grant which is a competitive grant that helps make work zones across the country as safe as possible. In 2005, there were 1,058 work zone fatalities. In 2012, there were 609 which is a slight increase from the year before when there were 590. This tremendous decrease in work zone fatalities is an achievement for which we all should be proud.

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[8] National Association of Counties: http://www.naco.org/legislation/policies/Documents/Transportation/bf%20%20--%20TEA2.pdf

[9] Federal Highway Administration: http://safety.fhwa.dot.gov/local_rural/

[10] Federal Highway Administration: https://s3.amazonaws.com/media.atssa.com/GR/2013+HRRR+Final+RTC+%28signed+120513%29+120913.pdf

However, keeping the mission of Towards Zero Deaths in mind, we cannot become complacent. The next reauthorization should continue to fund the Work Zone Safety Grant and expand its eligible activities to include the creation of a training program for the proper maintenance and installation of guardrail. When guardrail is properly maintained and installed, it is a lifesaving device; however, when done improperly, it can become a dangerous roadside hazard.

Chairman Petri and Ranking Member Norton, we've talked a lot about safety today and the impacts of the federal transportation program on America. There may be some in Congress and throughout the country that still believe that transportation is not and should not have a federal role. However, the United States Constitution makes that federal role clear. Article 1, Section 8 states: "The Congress shall have Power To establish Post Offices and post Roads."[11]

I also wanted to take this opportunity to thank members of the Subcommittee who have visited with ATSSA member companies in their districts to learn more about how roadway safety infrastructure pays triple dividends by saving lives, creating jobs, and offering a high return on investment.

In closing, on behalf of ATSSA, I thank you for this opportunity to testify about America's safety infrastructure needs and how we all, as transportation leaders and elected officials, can move our nation Toward Zero Deaths on our roads.

[11] U.S. Constitution: http://www.archives.gov/exhibits/charters/constitution_transcript.html

Question from Rep. Tom Rice

1. Mr. Danko: Besides what you noted in your testimony, can you give some additional examples of high Return on Investment (ROI) projects for roadway infrastructure investments?

ATSSA and its members have worked hard with states and local governments to identify roadway infrastructure safety improvements with a high Return on Investment (ROI).

There are numerous types of such projects. Following are several examples:

1. ***Rumble strips*** are a cost efficient deterrent to roadway crashes and save lives. Edge line rumble strips offer significant safety benefits in single vehicle run off the road crashes with a 10 – 24% reduction on rural roadways and 26 -42% reduction on two lane rural roadways.
(http://www.deldot.gov/information/community_programs_and_services/DSHSP/pdf/Rumble_Strip_Brochure_2013_10_2.pdf)

2. Providing a ***stop bar*** on minor road approaches provides a benefit cost ratio of 337:1 according to a recent High Risk Rural Roads Best Practices report issued by the Federal Highway Administration.
(https://s3.amazonaws.com/media.atssa.com/GR/2013+HRRR+Final+RTC+%28signed+120513%29+120913.pdf)

3. Mendocino County, CA found that installing ***chevrons*** on curves where there had been no previous signage produced a benefit cost ratio of 229:1.
(http://safety.fhwa.dot.gov/intersection/resources/fhwasa09027/resources/Low%20Cost%20Local%20Road%20Safety%20Solutions.pdf)

4. A Missouri State Department of Transportation study found a benefit cost ratio of 59:3 was possible when ***rumble stripes*** are applied to rural roads.
(http://www.countyengineers.org/ResourcesEdu/PublishingImages/Local%20%20Roads%20NACE%20ATSSA.pdf)

5. Florida's Turnpike Enterprise implemented an initiative to install ***median guardrails*** to protect 187 miles of the Turnpike Mainline. Crash data compiled by Turnpike Traffic Operations shows a nearly 70 percent reduction in cross over crashes. (https://www.atssa.com/galleries/default-file/W-beam_Case_Study.pdf)

Commercial Vehicle Safety Alliance

STATEMENT OF

SERGEANT THOMAS FULLER

PRESIDENT

COMMERCIAL VEHICLE SAFETY ALLIANCE

BEFORE THE

HIGHWAYS AND TRANSIT SUBCOMMITTEE

OF THE

HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

ON

"Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs"

JANUARY 28, 2014

6303 Ivy Lane Suite 310 Greenbelt, MD 20770-6319
Phone: 301-830-6143 Fax: 301-830-6144 www.cvsa.org

Chairman Petri, Ranking Member Norton, Members of the Subcommittee, thank you for holding this important hearing and for inviting the Commercial Vehicle Safety Alliance (CVSA) to share our thoughts on how to improve Federal Highway Safety Grant Programs.

My name is Sergeant Thomas Fuller, with the New York State Police, and I am testifying here today in my role as the President of CVSA. CVSA is an international organization representing State, Provincial, and Federal officials responsible for the administration and enforcement of commercial motor carrier safety laws in the United States (U.S.), Canada and Mexico. We work to improve commercial vehicle safety and security on the highways by bringing Federal, State, Provincial and Local truck and bus regulatory, safety, and enforcement agencies together with industry representatives to solve problems. Every State in the U.S., all Canadian Provinces and Territories, the country of Mexico, and all U.S. Territories and possessions are CVSA members. The ultimate objective of what CVSA strives for is to save lives.

As a Sergeant with the New York State Police, I oversee the Commercial Vehicle Enforcement Unit, and, in that capacity, I am responsible for administering the State's grant funds under the Federal Motor Carrier Safety Assistance Program (MCSAP). The subject of this hearing, improving the effectiveness of the nation's Federal Highway Safety Grant Programs, is critical and I appreciate the opportunity to share some of CVSA's concerns and recommended solutions.

The Federal government entrusts the States with the responsibility of enforcing the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMRs). To meet that responsibility, Congress provides funding to the States, through the MCSAP and a number of other focused grant programs. The States use these funds to conduct enforcement activities, train enforcement personnel, purchase necessary equipment, update software and other technology, and conduct outreach and education campaigns to raise awareness related to commercial motor vehicle (CMV) safety issues. The funds are used, in part, to pay the salaries of more than 12,000 full and part time CMV safety professionals. These people conduct more than 3.4 million CMV roadside inspections, 34,000 new entrant safety audits, and 6,000 compliance reviews each year.[1] The goal of these programs, which are administered by the Federal Motor Carrier Safety Administration (FMCSA), is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. The programs seek to identify safety defects, driver deficiencies, and unsafe motor carrier practices and remove them from the nation's roadways.

The good news is that the program works. The benefits of the MCSAP are well documented, and every dollar invested in the State programs yields a big return for taxpayers. According to research and

[1] *Federal Motor Carrier Safety Administration 2012-2016 Strategic Plan*. Federal Motor Carrier Safety Administration. May 2012. http://www.fmcsa.dot.gov/documents/STRATEGIC-PLAN/FMCSA_StrategicPlan_2012-2016.pdf

figures from FMCSA, CVSA estimates that the MCSAP has an estimated benefit to cost ratio of 18:1. Every roadside inspection conducted yields an estimated $2,400 in safety benefits. And, of course, effective enforcement of the FMCSRs helps save lives every day, keeping dangerous vehicles and unqualified drivers off the nation's roads. In 2001, the number of registered large trucks and buses was just over 8.6 million. Since then, that number has grown 35 percent, to 11.6 million in 2010. Despite this increase, the number of fatalities due to crashes involving large trucks and buses has gone down 27 percent. The number of CMV crash-related injuries also decreased over that time frame by 30 percent.[2] These improvements in CMV safety were achieved, in part, through investments in the MCSAP.

While the program is effective in reducing crashes and saving lives, there are a number of improvements that could be made to streamline the program, improve efficiency, and make better use of limited resources. Outdated programs and rigid eligibility requirements hinder the States' ability to implement creative solutions and leverage scarce resources to meet their individual needs. Redundancies and inconsistencies in the grant administrative process delay funding disbursements and syphon away valuable resources, which could otherwise be spent on enforcement activities.

To address these challenges, CVSA has developed a series of recommendations that will improve the efficiency of the MCSAP.

Administrative Changes to Improve MCSAP

1. Improving Program Flexibility

   One way to improve the MCSAP is to provide States with additional flexibility in how they spend their Basic MCSAP grant funds. CVSA believes that explicit language limiting how a State can spend grant funds in statute, regulation, or FMCSA policy should be minimized. Instead, the statutory and regulatory construction, as well as policy from FMCSA, should focus on setting broad parameters, program elements, goals, and expected outcomes for a program and, by using the annual Commercial Vehicle Safety Plan (CVSP) as the mechanism for monitoring and evaluation, allow the States to determine how best to meet those expectations. For example, CVSA supports increasing the funding cap on traffic enforcement activities not associated with an inspection from five percent to ten percent. This will allow States to allocate their resources as they see fit, giving them additional flexibility to address State-wide or regional issues, such as speeding or aggressive driving, more effectively.

   As another example, in 2010, FMCSA issued a policy memorandum to State Program Managers. In the memo, FMCSA advised the States that the recently completed Large Truck Crash Causation

[2] *Large Truck and Bus Crash Facts 2010: Final Version, FMCSA-RRA-12-023.* Federal Motor Carrier Safety Administration. August 2012. http://www.fmcsa.dot.gov/facts-research/LTBCF2010/LargeTruckandBusCrashFacts2010.aspx#chap1

Study, completed in 2006, indicated that driver behavior is more likely to be the cause of a CMV crash than any other factor. As such, the agency instructed States to focus their inspection efforts on drivers. They instructed States to increase the number of Level III (driver-only) inspections to "meet or exceed the national average of 30 percent of all inspections performed."[3] In this instance, instead of prescribing rigid and prescriptive parameters across the board that may not make sense for every State, CVSA believes it would have been more productive and efficient for FMCSA to identify the issue – the need for increased focus on drivers – and instructed the States to account for how they plan to address this challenge in their CVSP. As part of this issue identification, the agency should supply data and research to the States substantiating the problem area. At the end of the CVSP year, FMCSA and the States could then evaluate how effective the States' strategy or strategies were with respect to reducing crashes relating to driver behavior and performance.

Another program that could be improved with increased flexibility is the Commercial Vehicle Information Systems and Networks (CVISN) program. CVISN is a collection of information systems and communications networks intended to support State CMV safety operations. The CVISN network provides a series of mechanisms through which parties engaged in motor carrier safety and regulatory enforcement (States, Federal agencies, industry, etc.) can exchange and use information electronically.[4] In order for this network to function effectively, States must achieve a level of parity and integration in the systems they are using to gather and transmit safety data. To meet this need, the CVISN grant program was established, in part, to provide funds for States to update their information technology capabilities. There are two levels of CVISN deployment–Core CVISN and Expanded CVISN. The States are at varying levels of achieving full Expanded CVISN deployment.

CVSA supports expanding and updating the items that are eligible for reimbursement under the CVISN grant program, as well as the overall direction of the program. Currently, eligibility within the CVISN program is too narrow in its scope and needs to be expanded. States are often denied CVISN grants for projects that they believe will be valuable to motor carrier safety simply because the activity or initiative did not fit within the existing CVISN model. However, technology moves quickly and many of the technologies and ideas that were identified as priorities when the CVISN program was created are now considered standard or obsolete. For instance, use of laptops, communications to and from the field, and even uploading files to Federal systems from SAFETYNET are all fairly standard. Simply put, the CVISN program has not kept pace with technological advancements, and therefore, needs to be modernized in order to keep pace with

[3] *Memorandum: Fiscal Year 2011 Commercial Vehicle Safety Plan*. Federal Motor Carrier Safety Administration. April 8, 2010. http://www.fmcsa.dot.gov/documents/safetyprograms/MCSAP-Planning-Memo-508.pdf

[4] *Frequently Asked Questions*, Federal Motor Carrier Safety Administration. http://www.fmcsa.dot.gov/facts-research/cvisn/faq.htm. Accessed 7/31/13

current and future technological trends. Rather than focusing on specific technology and narrow scopes of use, the goal should be a performance-based approach to enhancing the use of technology, in order to obtain a greater level of safety. Expanding reimbursement eligibility provides States with the flexibility they need to fully leverage State and Federal dollars to implement and enhance effective CMV safety programs.

2. Streamlining the Grant Management Process

In addition to expanding program flexibility, CVSA has a series of recommendations for improving the grant management process, which will remove inefficiencies, reduce administrative burdens, and free up much needed resources for enforcement activities.

As part of the application process for Basic MCSAP grant funds, States are required to complete an annual CVSP. These plans document how the State has met their safety goals for the past year and how Basic MCSAP grant funds for the coming fiscal year will be spent. FMCSA reviews these plans and uses them to evaluate a State's progress and adherence to FMCSA policy. CVSPs are due towards the end of the Federal fiscal year and must be approved by FMCSA prior to a State receiving Basic MCSAP grant funds for the coming year. However, there are administrative burdens and other issues that impact the effectiveness of the CVSP process and the timely disbursement of grant funds. While FMCSA has made some strides recently to improve this process and reduce the administrative burden on States, more can be done.

One major concern the States have with the administration of the MCSAP grant program is the inconsistency, year to year, region to region, and State to State. FMCSA is constantly revamping the process, perhaps in an effort to improve it. However, the end result is confusion and unclear expectations for the States. Without consistency, the States cannot properly plan for their annual CVSP and grant application submission. Formatting requirements change year to year, material that was acceptable one fiscal year is no longer acceptable the next, the timeline for the grants process changes frequently, etc. This results in constant upheaval for the States, and they end up diverting much needed resources away from other efforts, as they are constantly adapting, redoing, and adjusting their process to meet the ever changing needs of FMCSA.

CVSA supports streamlining the CVSP submission process. States are spending a significant amount of time administering the grants rather than doing the work the grants are supposed to be paying for. Such activities include resubmitting information, such as standard text about the agency requesting the funds, contact information, miscellaneous numbers and figures concerning the number of inspectors, inspections, etc., and the amount being requested. To address this issue, CVSA recommends that FMCSA model the CVSP submission process on the electronic submission process used by the Federal Highway Administration (FHWA) for collecting the States' annual Size

and Weight Enforcement Plans. FHWA's program is designed so that States can access previous years' plans as a template, updating only the items that have changed. Further, the system is done entirely online, through a secure online portal. Replicating this approach within FMCSA's grant process would provide FMCSA with more up-to-date information, while reducing the workload on the States. In addition, the States are asked to provide FMCSA with data and statistics that FMCSA already has access to in other reports and databases. States should not be asked to spend time compiling information to which the agency already has access.

Another significant concern States have with the MCSAP is the constant delay and lack of consistency in the timing of funding disbursement. There are a number of factors that contribute to these delays and result in complications for the States. The annual delays in the Federal budget and appropriations processes are one contributing factor. The Federal fiscal year begins October 1, and many grant programs are set to that date. However, Congress rarely completes their funding bills by this date, delaying the disbursement of funds to the States. Even more frequently now, Congress relies on temporary continuing resolutions, which results in States receiving their funds late, and in installments. This unpredictable, piecemeal approach to funding makes planning and management of State programs difficult.

This issue is further complicated by the fact that many States do not follow the Federal fiscal calendar (most start July 1), complicating the reporting and tracking process. States also believe that once funds are available, the grant review and approval process takes far too long, further delaying receipt of funds for safety programs. For the most part, States have two years to spend their MCSAP funds. However, the two year timeline begins at the beginning of the Federal fiscal year, regardless of when funds are actually made available. As a result, States often receive their funds well into the timeframe of the grant and run the risk of not being able to spend the appropriated funds responsibly before the grant expires, possibly forcing the States to return funding that was dedicated for enforcement and inspection activities as identified in their CVSP. To address this, CVSA recommends adjusting the period of performance for all grants so that the 'clock' on a grant only begins once the funds have been allocated to the State.

CVSA also supports increasing the transparency and accountability within the MCSAP grant process. When applying for Federal funds, States are given strict deadlines and parameters they must meet in order to qualify and receive funds. However, there are no established deadlines for FMCSA, in terms of their grant review process. CVSA recommends setting grant application review deadlines for FMCSA. One approach would be to model the program timing requirements after the State and Community Highway Safety Formula Grant Program, commonly referred to as the 402 grants, administered by the National Highway Traffic Safety Administration (NHTSA). The 402 grant program has a clear timeline in place. State applications are due to NHTSA by July 1 of each year,

and the agency has 60 days to review and respond. Using this model would, at least for the Basic MCSAP grants, ensure that once funding is authorized by Congress, the agency is prepared to disburse the funds immediately, helping to reduce delays in funding disbursement. In addition to the review deadline, more consistency is needed in the grant review process. Grant applications are not all reviewed by the same panel(s), resulting in inconsistencies from one grant request to another, complicating the process for States.

In addition, CVSA recommends adjusting the period of performance for grants and CVSPs, moving to a more long-term, three or five year, cycle. Under this model, CVSPs would be due at the beginning of each cycle, with annual updates in between. These changes would benefit both the States and FMCSA, reducing the workload by requiring comprehensive CVSPs less frequently. This approach would also provide more accurate data on the effectiveness of the program, as larger data sets help to normalize any anomalies that might occur within a single year. In order to accommodate the unpredictability of funding disbursement due to delays that can occur in the appropriations process, the period of performance on grant funds should begin once the funds have been awarded to the State, rather than setting the cycle on Federal fiscal years.

Finally, as mentioned above, FMCSA uses the CVSPs to evaluate a State's performance over the past year. This includes reviewing changes in crash, fatality, and injury rates within the State. FMCSA uses this information to help determine grant award amounts to the States. However, the method by which the data is currently compiled does not take into account that certain portions of the CMV population are outside government oversight and the enforcement community's authority, such as statutorily exempted vehicles like agricultural carriers operating under the Covered Farm Vehicle exemption created in the Moving Ahead for Progress in the 21st Century Act (MAP-21). Simply put, States should not be penalized for crashes, fatalities, and incidents that occur in segments of the industry that they have no authority over. If a State does not have authority and, as a result, cannot exercise proper due diligence to improve safety within a sector of industry that is exempted, it is unreasonable to include that sector in any evaluation of the State's performance. CVSA supports removing non-regulated crash, fatality, and injury rates from the criteria used to determine grant award amounts for Incentive and other funds. This relatively small adjustment to how data is collected would have a tremendous value to the States.

Improving MCSAP Through Policy Changes

In addition to the administrative changes outlined above, a series of policy changes are necessary to improve the effectiveness and efficiency of the MCSAP. Uniformity and consistency are essential cornerstones of an effective program. Despite this fact, however, there are a number of policies and practices that complicate the program, undermining uniformity and consistency, and detracting from the efficiency of the MCSAP. Confusion and inconsistencies create more work for the enforcement

community, as well as industry. Inconsistencies and exceptions within the regulations require more training and create more opportunities for mistakes to be made, which in turn require additional resources to address.

1. Improving the Regulatory Framework

   The foundation of an effective regulatory enforcement program is quality, uniform and consistent enforcement activities. It is imperative that those subject to the FMCSRs understand their responsibilities and that those tasked with enforcing those safety regulations can do so effectively to ensure the quality and uniformity of the more than four million roadside inspections conducted annually throughout North America. Over time, additional regulatory authority, coupled with changes to the industry and technological advancements can result in inconsistent, outdated, and redundant regulatory language. With each year come additional requirements from Congress, aimed at advancing CMV safety. In addition, FMCSA receives and responds to petitions for changes to the FMCSRs from the CMV community. As Congress and FMCSA work to improve CMV safety, unintentional inconsistencies can slowly work their way into the regulatory framework. These inconsistencies can lead to confusion among both the regulated and enforcement communities.
   To address this, CVSA supports requiring FMCSA, in collaboration with CVSA and industry, conduct a full review of the FMCSRs, every 5 years, geared towards reducing, enhancing, and streamlining the regulations, eliminating outdated or duplicative regulations, clarifying those that need adjustment, etc. While this puts additional administrative burden on FMCSA, the benefits and savings that will accrue across the country for enforcement, industry, and the public justify the endeavor.

   Furthermore, work is needed to bring the safety regulations in line with regulatory guidance, interpretations, and policy memos issued by the agency. At times, FMCSA issues guidance documents to correct technical errors in published rules or to clarify vague regulatory language within the safety regulations while improvements to the regulations make their way through the rulemaking process. However, the number of full rulemakings that can make it through the agency in any given year is limited by staff and funding, and a number of higher profile rules tend to push simple technical changes back in the queue. As a result, disconnects develop between written regulations, regulatory guidance, interpretations, and policy. Regular review and updating of the FMCSRs and HMRs would help to reduce these disconnects, providing a vehicle for identifying and resolving inconsistencies in policy, bringing the regulations in line with published guidance.

   With regards to the petitions for changes to the FMCSRs from the CMV community to FMCSA, CVSA supports requiring that petitions be published in the *Federal Register* upon receipt and that the agency subsequently publish a notice of action taken on each petition. This would benefit both the agency and the regulated community, allowing for input early in the process, addressing potential

issues before they become problems. It will notify those interested in CMV safety and the FMCSRs of areas of interest to others in the regulated CMV community, which can foster conversation that could lead to solutions and consensus building. FMCSA would benefit from input it receives in response to petitions, which could help inform the agency's thinking on the requested changes. FMCSA could put a process in place similar to that found in 49 USC § 31315(b)(4), which provides for notice and comment on exemption requests received by the agency.

2. Exemptions

In general, exemptions from Federal safety regulations have the potential to undermine safety, while also complicating the enforcement process. First and foremost, safety regulations exist to protect those who use our nation's roadways. The FMCSRs and HMRs exist to ensure that those operating in the transportation industry are equipped to do it safely. Furthermore, every new exemption is an opportunity for confusion and inconsistency in enforcement, diverting scarce resources from other activities and undermining the program's effectiveness.

We recognize that there may be instances when exemptions could be appropriate and also not compromise safety. In those instances, 49 USC § 31315(b) already provides a mechanism for those in industry to obtain an exemption through FMCSA. This process includes providing for an equivalent level of safety, requiring that the exemption "*would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.*" In addition, exemptions obtained through this process are limited to a maximum of two years (subject to renewal), which provides oversight to ensure that safety is not compromised, as well as an opportunity to eliminate exemptions that have not maintained an equivalent level of safety. This is the proper model.

In contrast, exemptions obtained through legislation do not always include safety considerations and are difficult to remove once established. Because a process exists for industry to pursue exemptions through an administrative process, CVSA opposes the inclusion of exemptions from Federal safety regulations in legislation. At the very least, when exemptions are included in legislation, CVSA supports inclusion of a 'safety clause' as a part of any exemption statutorily enacted, similar to that in 49 USC § 3131S(b), providing for an equivalent level of safety, as well as language that would allow for the elimination of the exemption if an equivalent level of safety cannot be demonstrated.

Another approach could be to require that, before any exemption from Federal safety regulations goes into effect, a pilot program be conducted to evaluate the safety impacts of such an exemption. The exemption would then go into effect automatically, unless the pilot program demonstrates that an equivalent, or enhanced, level of safety has not been achieved. Going

forward the exemption would be monitored on a routine basis, to ensure that an equivalent level of safety is maintained over time.

Ensuring Adequate Funding

While the focus of this hearing is on improving efficiencies, I believe it is necessary to say a word about the need for adequate, reliable funding. As discussed above, the MCSAP, as administered by the States, has been successful in reducing crashes, injuries, and fatalities on our nation's roadways, despite a steady increase in the number of CMVs operating on those roads. In order to maintain this downward trend in CMV crashes and fatalities, the MCSAP must be adequately funded. According to FMCSA, the agency regulates approximately 500,000 active interstate motor carriers, including 12,000 passenger carriers, and seven million active commercial driver licensees (CDL holders). The State and Local agencies that receive MCSAP funding are responsible for ensuring that those 500,000 motor carriers, vehicles, and drivers are operating safely. Furthermore, the CMV enforcement landscape is constantly evolving and changing as Congress and FMCSA work to refine and improve the FMCSRs and HMRs.

The MCSAP will only continue to be successful if it is adequately funded. New and expanded responsibilities mean improvements in safety, but only in so much as the States are able to effectively implement those policies. It is critical that Congress and FMCSA ensure that, as new programs are created and new responsibilities are assigned, funding is provided to the States, avoiding any unfunded mandates. Otherwise, funds are spread thinly across programs, reducing effectiveness across the board.

For example, FMCSA has tasked the States with implementing the process by which carriers and drivers can challenge the validity of inspection and crash report data, commonly referred to as 'DataQs'. This is a time consuming process, requiring dedicated staff, and it will only continue to grow. While FMCSA has tasked the States with reviewing and validating DataQ challenges, no additional funding has been provided. This means States must redirect funds that had been previously used for other activities to ensure that they are responding to DataQs in an effective and timely manner. Recently, FMCSA has indicated that the agency is considering setting parameters establishing how the States must process the DataQs, which will undoubtedly require more effort on the part of the States, with no indication of additional funding to offset the costs.

1. <u>Basic MCSAP</u>

   The most recent transportation bill, MAP-21, included several promising improvements to CMV safety, such as more stringent standards to become a motor carrier, registration requirements, etc. The States, along with FMCSA, will be tasked with implementing and enforcing these changes. To help ensure that States receive the funding necessary to fully meet their responsibilities, CVSA recommends increasing the Basic MCSAP grant (including the Incentive program) match to 90

percent Federal / 10 percent State, from 80 percent Federal / 20 percent State. This will reduce the burden on States, while helping to ensure effective oversight of the motor carrier industry. At the very least, moderate increases in funding levels are necessary to keep pace with inflation, as stagnant funding levels result in decreased buying power year to year.

2. CVISN Program

   CVSA also supports increasing the Federal match for the CVISN program. As mentioned previously, the goal of the CVISN program is to provide a series of mechanisms through which parties engaged in motor carrier safety and regulatory enforcement can exchange and use information electronically. However, funds in this grant program require a 50 percent match from the States and, with dwindling State budgets and competing priorities, the move towards full deployment is taking longer than expected. Access to and the ability to exchange safety data is necessary for effective safety programs. To help expedite full CVISN deployment in all States, CVSA supports adjusting the CVISN reimbursement ratio, currently at 50 percent Federal / 50 percent State, to be in line with the Basic MCSAP grant reimbursement level.

3. New Entrant Safety Assurance Program

   Another program where adequate funding is imperative is the New Entrant Safety Assurance Program, which was established in 2003 and is designed to ensure that interstate motor carriers entering the industry understand the regulations and their responsibilities. Within 12 months of an interstate motor carrier obtaining operating authority (120 days for passenger carriers), a certified auditor will conduct a comprehensive Safety Audit of the motor carrier's operations, to determine if the motor carrier is complying with the relevant motor carrier safety regulations, and to identify areas where the carrier may need improvement. FMCSA provides States with funds through the New Entrant Safety Assurance Program to conduct these Safety Audits. The estimated cost for the State-administered Safety Audit, based on a report completed in 2007, is roughly $600. This cost estimate includes labor, travel, training, and equipment costs for the inspector.[5] According to FMCSA, approximately 34,000 Safety Audits are conducted each year.

   Changes made in MAP-21 set a more aggressive timeline for conducting Safety A udits on new motor carriers, placing additional demands on the States conducting the audits. In addition, the program has become more rigorous over the years, with additional requirements on tracking, reviewing and conducting the Safety Audits. While these changes are considered valuable, when combined with the decreasing buying power of each dollar, the end result is that it costs States more to implement the program each year. Meanwhile, the number of carriers entering the

[5] *Safety Audit Cost Estimation*. Econometrica, Inc. October 10, 2007.
https://www.fmcsa.dot.gov/facts-research/research-technology/report/Safety-Audit-Cost-Estimation-Oct2007.pdf

industry each year, and therefore the demand for New Entrant Safety Audits, continues to grow.[6] In order to meet that growing demand and ensure the success of the New Entrant Safety Assurance Program, it is critical that the States are provided with funding commensurate with program demand.

4. Highway Trust Fund Insolvency

While adequate funding is imperative to an effective MCSAP, we recognize that the issue of funding for the Federal transportation program is a complicated one, with no easy solutions. Future funding for the MCSAP is directly tied to the long-term solvency of the Highway Trust Fund. CVSA supports ongoing efforts to identify sustainable, long-term revenue sources to address the Highway Trust Fund solvency, in order to ensure stability for the MCSAP.

In the event that no new revenue is available, CVSA urges Congress to ensure that MCSAP grant funding is not reduced, but remains at the levels set by MAP-21. According to a report completed for FMCSA in 2007, the average 'cost' (including wages and benefits) of a State safety inspector was estimated at $66,052.51.[7] This means that for every $1 million invested in the MCSAP, 15 jobs are created or maintained. Conversely, every $1 million reduction in MCSAP funding results in jobs lost or positions unfilled at the State level. Wh en States see a reduction in their MCSAP funding, resulting in jobs lost, their programs are reduced and fewer inspections, compliance reviews , and safety audits are conducted, reducing the safety benefit of such activities discussed above and undermining years of improvement in CMV safety.

Conclusion

It is important to note that CVSA and the States work very closely with FMCSA on these issues. The agency will sometimes engage the States to seek input on various aspects of the MCSAP in an attempt to understand where problems exist to help make improvements. For the last several years CVSA has provided numerous comments to the agency regarding the grant program processes and procedures. We appreciate their willingness to listen; however, the unfortunate fact is there still are significant improvements that are necessary and challenges hampering program efficiency and effectiveness.

Despite these challenges, the MCSAP continues to be extremely effective at reducing the number of crashes, injuries, and fatalities on our nation's roadways and the States have worked diligently to best leverage funds while the size of the regulated industry and the number of responsibilities continues to grow. In 1983, about the time the MCSAP was established, there were 27,000 carriers and 2.2 million

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[6] *Notice: New Entrant Safety Audit Assurance Program Operational Test*. FMCSA-2013-0298. Federal Motor Carrier Safety Administration. September 4, 2013. http://www.gpo.gov/fdsys/pkg/FR-2013-09-04/pdf/2013-21442.pdf

[7] *Roadside Inspection Costs*. Federal Motor Carrier Safety Administration. October 2007. http://www.fmcsa.dot.gov/facts-research/research-technology/report/Roadside-Inspection-Costs-Oct2007.pdf

drivers that hauled six billion in tonnage. That year there were 5,491 CMV-related fatalities, at a rate of 0.352 fatalities per 100 million miles. In comparison, in 2011, more than 525,000 carriers and 3.1 million drivers hauled 9.4 billion in tonnage. There were 4,206 CMV-related fatalities in 2011, or a rate of 0.136 fatalities per 100 million miles. While there have been a number of success stories contributing to this decline over the last 30 years, the MCSAP has clearly been a major factor.

We must do everything we can to continue this downward trend in fatalities. There are a number of options available for improving efficiency and reducing redundancy in the system that will allow for better leveraging of Federal funds. States need increased flexibility, more reliability and consistency at the Federal level, and less cumbersome CVSP and grant administration processes. However, as the program continues to grow, the issue of funding remains paramount. We look forward to working with the Committee and FMCSA to develop and implement creative solutions to continue to improve our nation's commercial vehicle safety program.

Commercial Vehicle Safety Alliance

promoting commercial motor vehicle safety and security

CVSA Response on Behalf of Sergeant Thomas Fuller
to the
Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit's Hearing on
"Improving the Effectiveness of the Federal Highway Safety Grant Programs"
January 28, 2014
Questions for the Record

Question from Rep. Hunter:

- *Data from the Federal Motor Carrier Safety Administration (FMCSA) indicates discrepancies regarding driver violations and out of service rates. One specific area of concern is differences between U.S. and Mexican carriers regarding violations of FMCSA regulations on the ability of the driver to read and speak English and understanding highway signs. In 2012, U.S. domiciled truckers were put out of service almost seventy percent of the time when they were found to hove a non-English speoking driver. On the other hond, only 0.08 percent of Mexico domiciled trucks were put out of service thot yeor far the some violatian. Speaking fram the perspective af a law enforcement afficer, can you speak to the importance of understanding road signs in regards to highway safety? Additionally, can you offer some potentiol reosons why such a stork discreponcy moy exist?*

The intent of the English language proficiency requirement is to ensure that the inspector and the driver are able to communicate effectively enough to successfully complete an inspection. Inspectors along the U.S. border with Mexico are often able to effectively communicate with Mexico-domiciled drivers, but at times may not be able to. It is important to note that violations relating to this regulation are not just for those drivers who cannot read and understand road signs, respond to official inquiries, or read and speak English during the inspection process. As an example, if the inspector asks the driver to release his or her brakes and the driver responds appropriately to all inquiries relating to the inspection process, but cannot carry on a generic conversation in English, then a violation would exist. However, if the driver were to respond by turning on his or her windshield wipers a violation and an out of service condition could exist. In addition, the FMCSA has issued an enforcement policy memorandum regarding the enforcement of this regulation, so some of the violations may be related to drivers who do not properly respond to the guidance provided in this memo.

6303 Ivy Lane Suite 310 Greenbelt, MD 20770-6319
Phone: 301-830-6143 Fax: 301-830-6144 www.cvsa.org

From the law enforcement perspective, the ability to understand road signs is certainly an important factor. While many signs use symbols and images to convey their meaning, there are some that use words and having the ability to understand and comprehend them quickly is an important component in helping to ensure the driver is able to make effective and timely decisions for the safe operation of the vehicle and those operating around him or her.

There are likely several reasons why differences exist between U.S. and Mexico domiciled trucks in the violations and out of service rates of this regulation. The principal reason is, most likely, that many inspectors in States along the southern border, where most of the inspections occur on Mexico-domiciled trucks, whether they are State or FMCSA inspectors, are able to speak and communicate in the Spanish language, or otherwise have access to translation services that enable inspectors to communicate effectively enough with the driver to complete the inspection. In addition, at the inspection locations along the southern border, the vehicles and drivers coming across the border are generally getting inspected more frequently than those in the interior of the United States and are traversing back and forth at the same locations, so the inspectors become familiar with those drivers and vehicles. Because of this, many drivers who operate along the U.S. border with Mexico have become more knowledgeable about the inspection process and as a result have become minimally proficient in English, as well as conversant with the hand signals as they relate to the inspection process.

However, in the interior of the United States, inspectors come into contact with drivers that speak many other languages, particularly by drivers from Eastern bloc countries in Europe. In those instances, multi-lingual inspectors and/or translation services are often not available, hindering the inspector's ability to communicate effectively with the driver.

Question from Rep. Ribble

- *Can you explain how lengthening the Commercial Vehicle Safety Plan cycle might be beneficial to states?*

Right now there's a lot of red tape and unnecessary process involved with developing, submitting, evaluating and monitoring a Commercial Vehicle Safety Plan (CVSP). One of the biggest difficulties is the inconsistencies. Every year the process changes, what's required of the States changes. What is deemed acceptable under any given grant program can change from year to year, with little explanation as to why the change was made. In a number of these cases, clear and effective communications or training on changes are not made, creating difficulties in their uniform and consistent application. In addition, sometimes FMCSA implements changes within the same grant cycle while the States have already begun their CVSP development process, requiring more effort on the part of the States to modify their plans.

This can result in inconsistencies from State to State. For example, an expense deemed acceptable in one State's plan might be rejected in another State's plan. Items that have been approved in previous State plans are no longer eligible items with little or no explanation. These inconsistencies make it impossible to properly or effectively plan for the process each year. States end up reinventing the wheel with each round and spending inordinate amounts of time and resources administering the grants, rather than doing the work the grants were intended to fund. Even without these inconsistencies, States would spend a great deal of time and resources to complete their annual CVSPs. The process is dated and cumbersome.

It has gotten to the point that some States simply do not apply for some grants, because it's not worth the energy required to apply for the funds or to go through the unnecessary and unreasonable scrutiny. As a direct result, States are turning away Federal assistance. The FMCSA is micromanaging the States and the resulting workload on both federal and State employees is an inefficient use of tax dollars. While reasonable scrutiny is necessary and oversight is, of course, appropriate, there are many opportunities for streamlining the process.

One option that should be considered is lengthening the CVSP cycle to a three or five year cycle, instead of requiring them to be completed annually. Moving to a three or five year cycle would relieve States of some administrative burden. It would free up time and resources at the FMCSA too, since they would spend less time reviewing and evaluating the annual plans. Furthermore, year to year, there are not a lot of major changes to a State's program. Moving to a three or five year cycle would allow more time for the impacts of various implemented strategies to take effect and be measured and accounted for. This would also help States implement longer term strategies, since many safety programs take more than a year to measure their efficacy.

Put simply, lengthening the CVSP process would relieve the States of unnecessary administrative burdens, free up time and resources for the States and the FMCSA, and improve the quality of data being used to set program goals and strategies.

- *You mentioned in your testimony that a disconnect has developed between the regulations and policy guidance documents at FMCSA. Can you provide an example and explain how this impacts the Motor Carrier Safety Assistance Program's effectiveness?*

This is a real big problem for the States, and for industry as well. Essentially, when regulatory or enforcement issues arise in the field that need to be addressed, the FMCSA issues regulatory guidance or policy memoranda outlining a short term solution. It's important that the Agency be able to do this, because, as we know, the rulemaking process takes a great deal of time. These documents are generally intended to address technical errors in published rules or to clarify vague

regulatory language within the safety regulations. As these interpretations, guidance documents, and memoranda are issued, the goal is to ultimately ensure the regulatory language or guidance is then brought up to date. However, the number of full rulemakings that can make it through the FMCSA in any given year is limited by staff and funding, and a number of higher profile rules tend to push simple technical changes down in the queue. As a result, disconnects have developed between written regulations, regulatory guidance, interpretations, and policy memoranda, leaving industry and enforcement wondering which position is the 'correct' one. This leads to inconsistencies in enforcement.

For example, there has been a conflict in the regulations regarding driver disqualification since 2002. In 2002, the FMCSA published a rule, updating §383.5 *Definitions* of the Code of Federal Regulations (CFRs). This included a change to the definition of driver 'Disqualification'. The FMCSA adjusted the definition of 'Disqualification', indicating that a driver should be put out of service for a disqualification in another State only when that disqualification or suspension was issued for a safety-related violation. This was necessary because several States use license suspension as a penalty for a variety of transgressions that are not safety-related, such as past due child support payments. The FMCSA, through the rulemaking process, determined that disqualifications of a commercial motor vehicle (CMV) driver's Commercial Driver License (CDL) should only apply when the disqualification is related to safety, and §383.5 was updated to reflect these changes.

However, 49 CFR §391.15, which applies to all CMV drivers, also addresses driver disqualification and was not properly updated when the 2002 rule changes to §383.5 went into effect. This section does not include the 2002 language providing that disqualifications should be limited to safety-related offenses. As a result, depending on which portion of the CFR an inspector refers to, it is either correct or incorrect to put a driver out of service for a non-safety related disqualification. This results in inconsistencies in enforcement, as well as confusion and inconsistencies for industry.

FMCSA is well aware of the conflict. In fact, the current CFRs include an interpretation, or guidance, in §391.15 that was added to address this very issue. In the interpretation, FMCSA advises that a rulemaking is underway that may impact enforcement practices related to driver disqualification. The interpretation is referring to the rulemaking that was completed in 2002, over a decade ago. Still, the Agency has not taken the necessary steps to update §391.15, bringing it in line with §383.5.

Clearly, some ongoing housekeeping is necessary to clean up these conflicts. We believe that requiring the FMCSA to do a full review of the regulations on a regular basis, and to make appropriate changes when warranted, would help to resolve these conflicts and prevent future ones from continuing for too long.

Question from Rep. Nadler

- *Tractor-trailers moving at 60 mph are required to stop in 310 feet – the length of a football field – once the brakes are applied. Actual stopping distances are often much longer due to driver response time before braking and the common problem that truck brakes are often not in tap working condition. Can you please discuss CVSA's experience with your annual Roadcheck programs and other safety inspectian programs in terms of frequency of CMV brakes not being in proper working condition and vehicle OOS rates?*

  With respect to vehicle-related violations discovered during roadside inspections, brake-related violations and out of service orders continue to be cited most often. Of the vehicle out-of-service violations discovered during the 73,023 inspections conducted during Roadcheck 2013, 49.6 percent of them were for brake-related violations, with 19.5 percent for brake adjustment and 30.1 percent for brake system violations. The CVSA's Operation Air Brake Program, which started in 1998 and has a specific focus on brakes, has resulted in nearly 3.5 million brakes being inspected since its inception. During the Operation Air Brake 2013 inspection activities, 13.5 percent of all commercial vehicles inspected were put out of service for brake-related violations. This number has been trending downward over the last several years, and was as high as 18.9 percent in 2004. We have found in our education activities with industry that there is a significant lack of knowledge among drivers and maintenance personnel about the proper inspection procedures and maintenance practices for braking systems on commercial motor vehicles.

  Besides enforcement, the above programs include a significant amount of education and outreach by CVSA and our members at the international, national and local levels. These efforts include everything from media events, to print and digital publications, webinars, news releases, satellite radio and other media interviews, Public Service Announcements, training activities, trade show booths with educational sessions, etc. We have discovered that these education and outreach vehicles are critically important to enhancing awareness and improving safety. In designing these strategies, we use a data-driven approach to help target where we believe the efforts can be most impactful.

- *Over the years, Congress has granted numeraus statutory special interest exemptions from federal safety regulations including exemptions from the maximum driving and on-duty limits, as well as the logbook requirements, for motor carriers under the hours of service regulations, and from commercial driver physical and medical qualifications. Enactment of exemptions on a piecemeal basis creates a patchwork quilt of disparate regulatory exemptions that makes it difficult to effectively enforce federal safety requirements. How is the CVSA, which represents state law enforcement officials who are charged with ensuring compliance with federal motor carrier safety*

rules, affected by these special interest exemptions? How do exemptions impact safety and the effectiveness of the MCSAP program?

In general, exemptions from federal safety regulations have the potential to undermine safety and complicate enforcement efforts. First and foremost, laws and safety regulations exist principally to protect those who use our nation's roadways. The Federal Motor Carrier Safety and Hazardous Materials Regulations exist to ensure that those operating in the transportation industry are doing so safely. Unfortunately, all too often exemptions are granted to accommodate a particular industry group based on economics and not safety. Rarely is the safety case made in these exemption requests, nor are accountability measures put in place for the monitoring and potential revocation of these exemptions should safety be compromised.

Furthermore, each exemption from the motor carrier safety regulations is an opportunity for confusion and inconsistency in enforcement, which undermines the very foundation of the commercial motor vehicle enforcement program – uniformity. The more complicated and complex a regulation is, the more difficult it becomes for the roadside inspector. The inspector is required to remember when, where and how exemptions apply, to which sectors of industry, and under what conditions. This means the inspector is spending more time on each inspection, in order to verify that an exemption does, in fact, apply. This, in turn, means an inspector sees fewer drivers and vehicles, lowering the safety benefit of that inspector's time on duty.

In addition, exemptions require additional training to bring inspectors up to date on how the regulations apply. This means taking inspectors off the roadways, in order to train them, thus reducing their productivity and impacting safety. It also requires the development and dispersion of training materials and software updates. This takes time and resources away from the program's core mission. Additional costs are incurred when States are forced to resolve the inappropriate application of an exemption by an inspector, driver, or motor carrier. Each new exemption results in an increase in opportunities for errors and, therefore, carrier DataQs. More time needs to be spent reviewing challenges, and potentially making changes. Inspectors can be asked to appear in court to address a challenge, again removing them from the field, diminishing safety on the roadway, while also potentially incurring court costs for the State. The increased costs are not limited to enforcement either. Industry must also educate drivers and safety employees on new exemptions. Motor carriers also spend time and money reviewing and challenging violations and having their drivers appear in court.

Exemptions also impact data quality. When exemptions are granted, enforcement cannot exert proper oversight and thus, adequate performance data cannot be obtained and measured because a subset of motor carriers granted an exemption cannot being tracked.

Because of the potential impact to safety, along with the impact to resources and data quality, the decision to grant an exemption should be considered only under extreme conditions, and not as a matter of general practice. The more complicated and complex a regulation is, further exacerbated by exceptions and exemptions, the more difficult it is to enforce. In addition, when exemptions are issued, they should not be done so on an indefinite basis. The exempted industry must be required to show that they can establish and maintain an equivalent level of safety.

That being said, the CVSA recognizes that there may be instances when exemptions could be appropriate and also not compromise safety. At times, certain industry segments may seek an exemption because a single set of safety rules simply do not work effectively to allow for safe operations. 49 USC §31315(b) already provides a mechanism for those in industry to obtain an exemption through an administrative (Agency) process. This process includes providing for an equivalent level of safety, requiring that the exemption "would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." In addition, exemptions obtained through this process are limited to a maximum of two years (subject to renewal), which provides for a time limitation and an accountability feature to ensure that safety is not compromised, as well as an opportunity to eliminate exemptions that have not maintained an equivalent level of safety. This is the appropriate process, one with oversight. In contrast, exemptions obtained through legislation do not always include safety considerations and are difficult to remove once established. Exemptions should be difficult to get, not the norm, and any exemptions that are granted should be fully vetted and justified based on safety.

However, CVSA members do understand why some in industry seek exemptions through the legislative process, and we know that, despite our objections, they will likely continue. Given that not all exemptions will necessarily negatively impact safety, we propose a compromise. Going forward, the CVSA asks that all future legislative exemptions include a 'safety clause', which would require that the exempted entities provide for an equivalent level of safety. In addition, the safety clause would also include a mechanism that would allow for the revocation of the exemption if an equivalent level of safety cannot be demonstrated. We believe this is a good compromise between business needs and safety and still provides for a level of accountability that the public expects.

Statement of Kendell Poole
Chairman, Governors Highway Safety Association (GHSA)
Before the House Subcommittee on Highways and Transit
House Transportation and Infrastructure Committee

Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs

January 28, 2014

I. Introduction

Good morning. My name is Kendell Poole and I am Chairman of the Governors Highway Safety Association (GHSA). GHSA is a nonprofit association that represents state highway safety agencies. Its State Highway Safety Office members administer federal behavioral highway safety grant programs. Areas of focus include: impaired driving; inadequate occupant protection; speeding and aggressive driving; distracted driving; younger and older drivers; bicycle, motorcycle and pedestrian safety; traffic records and highway safety workforce development.

As you know, traffic-related fatalities and injuries continue to be a major public health problem in this country. Although we have made some significant progress, there were still 33,561 fatalities and 2.36 million injuries in 2012—the most recent year for which complete statistics are available. Traffic crashes not only cause devastation to families and individuals, but they also cost the nation an estimated $230 billion annually.

To address this problem, the federal government must make the reduction of highway fatalities and injuries a national priority and play a strong role in developing highway safety policies and programs.

The most recent authorization, known as MAP-21 (Moving Ahead for Progress in the 21st Century), has provided critical resources to states to help them address driver behavior. As Congress considers these programs in the course of reauthorization, GHSA supports a similar approach going forward with minor changes.

II. Recommendations for Reauthorization

Enact a Long Term Authorization

GHSA's top priority in reauthorization is that Congress enact a long term authorization, as it has historically done. MAP-21 was only authorized for a period of two years, and it is difficult for states to adequately plan and forecast future needs as well attain their performance

targets with such uncertainty in funding, especially in the case of projects that require a multi-year commitment. For example, many states desperately need to make significant data and traffic record systems improvements – and this is just one example of the multi-year projects undertaken by state highway safety offices.

Allow States to Spend More Time on Programing, Less Time on Non-critical Administration

MAP-21 consolidated the behavioral highway safety programs into two programs: the Section 402 State and Community Highway Safety grant program and the Section 405 National Priority Safety Program. In FY 2014, Section 402 was funded at $235 million and Section 405 was funded at $272 million. A single grant application was authorized, as were performance measures and targets for the grants programs.

GHSA appreciates the consolidation and urges Congress to maintain that approach. However, even with consolidation, states are continuing to spend too much time preparing the grant application and administering the program. GHSA surveyed states on the process for FY 2013 Highway Safety Plans and found that state applications averaged 127 pages, with some that were more than 200 pages. And this does not include the many pages of attachments that were also required.

This process can be improved by:
* Allowing the states to submit required attachments through electronic links;
* Clarifying that the required problem identification and data analysis information should be written completely, but in a brief format; and
* Permitting the required project list to be submitted up to 60 days after the September 1 plan approval deadline.

Administrative burden needs to be reduced in both the Section 402 and Section 405 programs. As an example, even though funding for the motorcycle safety incentive tier in Section 405 was significantly reduced in MAP-21, the amount of paperwork and background material required to qualify was significantly increased. At least a few states decided that it was not a good use of their time to expend so much effort for such a small grant program. **GHSA urges Congress to continue efforts to simplify state**

grant processes so states can spend as much time as possible on programming.

To reduce additional administrative burdens on states, GHSA recommends that Congress alter the current Maintenance of Efforts (MOE) requirements in order to provide relief to economically distressed states. For many states, the MOE requirement has become increasingly burdensome. The Association understands and fully supports the need for a federal MOE requirement. However, it is also necessary to acknowledge that many states continue to struggle economically and MOE can be very burdensome. Furthermore, it is impossible for the states to identify and track local sources of expenditures. To remedy this, one approach could be to establish a waiver period with specific criteria that states would have to meet, and eliminate the requirement to maintain local expenditure sources. Hardship provisions exist in other program MOE requirements, such as the provision inserted by MAP-21 into the MCSAP (Motor Carrier Safety Assistance Program) grant program MOE.

Congress should develop a revised MOE requirement that carefully balances the federal government's interest in protecting its investments with the administrative burden on the states and the economic needs of the states. NHTSA should also develop more specific guidance on the acceptable process for states to verify MOE expenditures. Once the MOE requirements are changed, then the impact of the change should be evaluated and reported to Congress for further action if necessary.

<u>Improve Effectiveness of Safety Outcomes by Allowing Use of More Timely Data</u>

MAP-21 requires states to use the most recent final Fatality Analysis Reporting System (FARS) data to set performance targets in highway safety plans. However, FARS data continues to be finalized very slowly.

As states develop their highway safety plans, they are forced to use federal fatality data that may be outdated by as much as two years. For instance, while states are in the process of working on their FY2015 plans, the most recent final federal fatality data is from calendar year 2012 – despite the fact that 2013 state data is now available in many states.

To improve effectiveness of safety programs, states should be given the option of using the most recent state or federal data in their highway safety plans. GHSA also urges NHTSA to continue its work in improving the timeliness of FARS.

Restructure Section 405 National Priority Safety Program

MAP-21 created a new consolidated incentive program that covers six different areas: occupant protection, traffic records, impaired driving, motorcyclist safety, distracted driving and state GDL laws. It created tiers by designating a portion of the consolidated program for each area. States receive funding for each tier by satisfying rigorous eligibility criteria which require a significant investment of time to provide the necessary information. GHSA supports continuing the occupant protection and traffic records tiers. **However, Congress should make significant changes to tiers addressing impaired driving, motorcyclist safety, distracted driving and teen driving. And the states should be given adequate time to react to any changes made and work with their legislatures.**

Impaired Driving

Fifteen percent of the impaired driving incentive tier is earmarked for states that adopt and enforce an ignition interlock law for all persons convicted of driving under the influence of alcohol. While eighteen states have these laws for all offenders, only a handful of states (four in FY 2014) qualified for these funds, as NHTSA has disqualified states that grant rare exemptions for medical and work issues. **To address this, Congress should allow for state laws that grant rare exemptions and successfully require interlocks for nearly all offenders.**

Distracted Driving Grants

Eight-and-a-half percent of Section 405 funds are earmarked to reward states with strong distracted driving laws. However, to qualify, states must meet rigorous definitions and criteria, including laws with minimum fines for first offense, increased fines for subsequent offenses as well as a state statute requiring distracted driving issues to be tested as part of the drivers license exam.

The criteria are so strict that even though 37 states are enforcing primary texting bans, only one state qualified for this funding in FY 2014. **To remedy this, Congress should modify the definitions, simplify this program and reward states that are enforcing primary texting bans for all drivers and complete cell phone bans for novice drivers.**

Motorcyclist Safety

One-and-a-half percent of the tier is earmarked for states that adopt and implement effective programs to reduce the number of motorcycle crashes. While the large majority of states qualify for this funding, the funds can only be spent on motorcycle training and awareness programs.

Congress should change this tier to allow for a more comprehensive approach to motorcycle safety. NHTSA's National Agenda for Motorcycle Safety and a recent General Accountability Office review of this issue both called for a broader approach to motorcycle safety. This approach includes licensing, education and training, protective gear, roadway safety, public information programs on speeding and impairment, vehicle improvements and share the road programs.

Teen Driving

The Teen Driving tier should be reexamined, as no state has qualified in either FY 2013 or FY 2014. Every state has some form of a three-stage Graduated Licensing System. These laws have been widely credited for the dramatic reduction in teen driving deaths over the last 15 years. States should be rewarded for enacting and enforcing strong, research-based laws. That's not the case with the current incentive.

Flexibility for Unobligated Incentive Money

Because Section 405 was treated as a new program, NHTSA was not permitted to transfer any portion of the unobligated funds from this program into Section 402. Rather, those funds had to stay in Section 405. NHTSA reapportioned those funds to traffic records and occupant protection.

States are in need of additional Section 402 money to address issues such as excessive speeding, drugged driving, distracted driving and other emerging

safety challenges. Additional funding in Section 402 allows states to analyze their data and apply funding to where it is most critically needed. **To increase support of the Section 402 program, Congress should allow NHTSA to transfer at least a portion of unobligated Section 405 money into Section 402.**

Support Highway Safety Research

MAP-21 authorizes the Secretary of Transportation to conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety and related data.

The legislation also authorizes a cooperative research and evaluation program of $2.5 million annually utilizing Section 402 funds. The program is administered by NHTSA, but managed jointly between NHTSA and GHSA.

Despite previous efforts, only a small portion of behavioral highway safety countermeasures have been adequately researched. Without sufficient research to indicate what works and what does not, states may be forced to implement programs without an appropriate research basis or the ability to quantify expected outcomes. **To address this, GHSA recommends that funding for behavioral research be supported and the cooperative NHTSA/GHSA program continue.**

No New Sanctions

In general, GHSA does not support sanctions. They are untargeted and counterproductive. Furthermore, states are already subject to seven safety-related sanctions (National Minimum Drinking Age, drug offenders, use of seat belts, zero tolerance for minors, open container, repeat offender and .08 BAC). Evidence on the effectiveness of past sanctions is mixed—at best. Sanctions involving motorcycle helmets, as well as the National Maximum Speed Limit, were failures. Additionally, during still-fragile economic times, now is not the time to threaten to take money away from states. **Reasonable and obtainable incentives, and not sanctions, are a more effective way to encourage changes in state policies and programs.**

This concludes GHSA's statement. Thank you for the opportunity to appear before the House Subcommittee on Highways and Transit as it begins drafting the next surface transportation reauthorization. GHSA looks forward to working with the Committee on the legislation.

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Testimony of

Peter F. Sweatman
Director, University of Michigan Transportation Research Institute
Chairman, ITS America Leadership Circle

House Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit

Hearing on

Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs

Tuesday, January 28, 2014

Chairman Petri, Ranking Member Holmes Norton, and members of the Subcommittee, thank you for inviting me to testify about the importance of Federal surface transportation safety grant programs and how we can improve their effectiveness.

I am honored to speak with you about key steps for creating a much safer and more efficient transportation system through new and emerging technologies. My perspective is research, development and deployment, and how to maximize the benefits of new technologies for the citizens and economy of the United States, with worldwide application.

I will be sharing my views on this important topic both as a recipient of federal safety grants through the University of Michigan Transportation Research Institute (UMTRI), and on behalf of the Intelligent Transportation Society of America (ITS America) which is the nation's largest association dedicated to advancing the research, development and deployment of technology solutions to our nation's surface transportation challenges.

First, I wish to thank the Subcommittee for all of the important reforms you passed as part of MAP-21. Along with the Intelligent Transportation Systems (ITS) and research communities, we look forward to working with this Committee to pass a reauthorization bill this year that not only brings long-term financial stability to the Highway Trust Fund, but that will also encourage the adoption and deployment of more innovative technologies and approaches for improving highway and vehicle safety and for providing greater efficiencies and mobility to America's transportation users.

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As we continue to look for ways to improve the effectiveness of Federal programs and make every dollar count, it is critical that safety grants be part of the discussion. Through such Federal funding, we are able to ensure that improvements in vehicles, infrastructure and driver behavior come together in such a way that the whole is greater than the sum of the parts. Federal funding also allows powerful, but sometimes complex, safety technologies to be developed efficiently in the national interest. Such Federal investments also assist our global competitiveness.

Several megatrends currently affect the way that safety systems are developed, evaluated and deployed. The auto industry is increasing the pace of development and deployment of sensors and safety devices. Sensing now applies to imminent risks as well as root causes of crashes, such as driver health and traffic problems. The burgeoning consumer electronics industry increases scale and reduces costs for key enabling technologies. Advances in communications, providing ubiquitous connectivity, lead to early detection of risky driving situations and avoidance of crashes. These trends mean that a wider range of industry sectors need to be involved, and research needs to be carried out on a very large scale, under real world operating conditions.

What does this mean for the effectiveness of Federal safety grant programs? First, our programs need to be highly collaborative. Researchers need to work with companies of all stripes, from automotive, transit and commercial vehicles to telecommunications, tolling and information technology. At the same time, data collection needs to be extensive and independent, while analytics are open and transparent. Second, research and development efforts are increasingly intertwined with the forces driving deployment. Deployment follows from model deployment, where benefits are proven in a real setting. However, a successful model deployment does not guarantee that deployment will occur on a scale sufficient to save many lives. Because safety solutions extend beyond the confines of vehicles, to embrace a system for connecting them, it is no longer sufficient to rely entirely on auto safety mandates.

Historically, the auto industry has focused much of its safety effort on mitigating the impacts of a crash after it happens, and these efforts have been very successful at reducing traffic fatalities and injuries. Significant efforts have also been made to influence driver behavior, but the number of these preventable tragedies each year is still far too high, at approximately 33,000. The next giant leap in reducing the number of fatalities and injuries on our nation's roads is to prevent crashes before they happen.

One of the most innovative examples of how Federal grant funding is helping revolutionize safety is the connected vehicle safety research program managed by the U.S. Department of Transportation's (DOT) Intelligent Transportation Systems (ITS) Joint Program Office.

The U.S. DOT, working collaboratively with major automakers, university research centers, and other public and private sector stakeholders, has been working to finalize the development and testing of vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I) communications, known collectively as "connected vehicle" technology, to help prevent vehicles from crashing. This innovative technology solution relies on a dedicated area of spectrum in the 5.9 GHz band which was set aside by the Federal Communications Commission (FCC) to ensure high-speed, accurate, secure and reliable communications which are critical for vehicle safety. It is essential that the availability and performance of this spectrum is protected for safety purposes.

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The National Highway Traffic Safety Administration (NHTSA) estimates that a fully deployed connected vehicle network could potentially address 80 percent of all non-impaired crash scenarios, an unprecedented figure representing thousands of lives saved each year. And we're not just talking about cars talking to cars, but also about cars talking to trucks, buses talking to bikes and motorcycles, and even vehicles detecting pedestrians via cell phone or other aftermarket devices to help avoid crashes.

At UMTRI, we have been conducting the largest naturalistic test of connected vehicle technology in the world in Ann Arbor, Michigan, referred to as the Safety Pilot Model Deployment. This federally-funded pilot is a large-scale test of connected vehicle safety systems, and the performance data from the Safety Pilot are being used by NHTSA as they work with vehicle manufacturers to determine the most effective and appropriate path toward full-scale deployment of this life-saving technology.

I am pleased to report to you that this model deployment has collected 27 billion basic safety messages transmitted between almost 3,000 vehicles over a period of 18 months' operation. This represents 3.5 million trips covering 22 million miles of travel.

This is a truly revolutionary partnership, and a great example of what can happen when the Federal government works with private sector innovators, the university research community, and state and local agencies who manage the infrastructure to accomplish big things. This could not have happened without Federal leadership shaping how such a system could operate and establishing certain essential parts of its architecture.

But this is not just a model for how collaborative research can be effective. It's also an example of how Federal grant funding can be used to leverage state and local dollars and private sector investment. In Michigan, we have found that model deployment leads to deployment, and also leads to investment. Leveraging starts early in the process. Our model deployment used the City of Ann Arbor's fiber optic system to help transmit a huge volume of data. The Michigan Department of Transportation (MDOT) directed roadway operations for installing and connecting technology in the infrastructure.

The model deployment has had sufficient impact on Michigan institutions, companies and the community that plans were developed, and funding identified, to develop a full regional deployment of connected vehicles in Southeastern Michigan. The State of Michigan recognized connected and automated vehicles as a necessary center of excellence for the automotive future of the state. The state partnered with the University of Michigan to develop a new center devoted to deployment of connected and automated systems (Michigan Mobility Transformation Center (MTC)). That center, which will include industry partners, is also designing a unique off-roadway test facility for connected and automated vehicles. The MTC will consolidate the United States' lead in developing and testing automated vehicles. At the same time, private interests are evaluating the potential for a large test center in Southeastern Michigan where manufacturers from all over the world will come to evaluate their technologies for on-road use.

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As we move from model deployment to a highly-leveraged real deployment of connected vehicles, and begin to realize very significant savings in fatal auto crashes, there is a continuing need for Federal funding. The Michigan plan calls for 20,000 company vehicles fitted with V2V. To bring the system together, we need to install 500 sets of roadside equipment (V2I), leveraging federal funding with MDOT deployment resources, and fill some gaps in MDOT's current data backhaul coverage. This infrastructure investment is an example of how the new reauthorization bill could provide vital support for the real-world deployment of intelligent technologies that are modernizing our nation's transportation system, ushering in the next generation of vehicle and highway safety, and helping restore our nation's competitive advantage and leadership role in transportation innovation. We view this as a prototype regional deployment that can and should be replicated in other parts of the United States.

These innovations will be showcased from September 7 – 11, 2014 at the 21st World Congress on Intelligent Transportation Systems which will be held in the birthplace and home of America's auto industry – Detroit, Michigan. For any Committee members, staff, or other transportation stakeholders who are interested in riding in connected or automated vehicles or checking out the latest innovations happening across the transportation world, this is a must-attend event. The ITS World Congress will feature hundreds of exhibits and technology demonstrations, tours of innovative transportation projects, and will bring 10,000 transportation and high-tech leaders together from the U.S. and around the globe to address critical transportation challenges. If you are interested in attending or would like more information, please don't hesitate to contact ITS America which is organizing the event.

An important function of Federal transportation grants is to encourage states to deploy ITS technology within the highway infrastructure. The deployment of ITS, as part of an infrastructure project, will often unlock a wide range of benefits, including but not limited to safety. For example, lane management technology including dynamic message signs can alleviate congestion problems while also helping to deal with accident black spots. Such deployments carry technical risks for cash-strapped local authorities and Federal programs can help reduce such risks and encourage wise deployment of ITS.

We are currently seeing the successful development of ITS technologies specifically for the benefit of vulnerable road users, including pedestrians, bicyclists and motorcyclists. This group currently makes up 30 percent of highway fatalities. With Federal assistance, the functionality and benefit of such ITS solutions need to be evaluated and deployment strategies developed. Such solutions should include expansion of connected vehicles and infrastructure to benefit all actors using highways and streets.

While I have concentrated on safety innovations in my remarks, the connected and automated technologies we are dealing with have a much broader potential impact. They will have an equally powerful impact on mobility, accessibility, energy efficiency, system performance, and the environment.

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Given the cross-cutting benefits of ITS technology, an additional opportunity to improve the effectiveness of Federal safety grants is to strengthen the overall coordination and communication between Federal agencies so the full impacts of technological innovation can be exploited, whether they relate to safety, mobility, energy efficiency, or emissions.

Collaboration between agencies is also critical for providing certainty to researchers, industry leaders and investors who are working on collaborative projects like connected vehicle technologies which depend on dedicated spectrum in the 5.9 GHz band. Efforts to open up the 5.9 GHz band to Wi-Fi applications, at the same time the U.S. DOT, automakers and ITS communities are finalizing testing and working to commercialize this life-saving technology in this same band, are but one example of how better communication and collaboration between agencies could improve the effectiveness of Federal safety grant programs.

I thank you for the opportunity to testify, and look forward to answering your questions.

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Intelligent Transportation Society of America
1100 New Jersey Ave SE, Suite 850 * Washington, D.C. 20003 * 202.484.4847 * www.itsa.org

Small Business Trucking's Top Priorities for Reauthorization's Motor Carrier Title

OOIDA supports the enactment of a long-term surface transportation reauthorization before the expiration of MAP-21.

In addition to stabilizing the Highway Trust Fund without localizing our Interstates and other freight routes through tolls or devolution, OOIDA is focused on the following priorities for the reauthorization bill that build on the reforms included in MAP-21.

Advance Entry-Level Driver Training

The key to highway safety is ensuring there is a safe, well-trained, and knowledgeable driver behind the wheel of every long-haul tractor-trailer. Currently, there is no federal training standard for truckers or trainer certification. OOIDA has developed the SMART Future Truck Drivers Act, a comprehensive proposal that ensures new truckers have real world knowledge and skills instead of simply meeting the requirements of a road test. Training will increase the professional stature of the industry and help reduce trucking's 100% driver turnover rates. The reauthorization should prioritize training as a safety priority.

Improve Safety by Ensuring DOT Rules & Programs Reflect Realities of Trucking

Truckers are responsible for understanding and complying with an ever expanding list of DOT rules. Additionally, complex safety compliance programs based on mathematical formulas have convinced many a truck driver that government is far more interested in enforcing paperwork violations rather than focusing on the driver's actual safe driving record. While safe small business truckers feel more pressure from rules that in many cases have little to do with reducing accidents, some groups are arguing for even more rules, more mandates, and more enforcement dollars. Year-after-year of more regulations and costly mandates are causing many to ask: "Is any of this actually working?" and many truckers with millions of miles of safe driving question their future in the industry.

Congress must address concerns about burden and effectiveness by ensuring that regulations achieve safety goals and reflect the realities of trucking, especially the small businesses that make up more than 90% of all motor carriers. Past rules have been justified through outdated or unrepresentative data and studies, which also frequently lump together all crashes involving a truck, no matter who was at fault. The new reauthorization should make improvements to DOT's rulemaking process to address these significant challenges while also taking steps to comprehensively improve existing DOT rules, regulations, and enforcement programs to ensure maximum focus on safety without overburdening safe small businesses.

Halt Unnecessary Insurance Increases

Interests in and out of the trucking industry are calling for an almost $4 million increase in the per-truck minimum liability insurance requirement, despite less than 1% of claims paying out above current requirements. There is zero connection between increased minimums and safety, with the market addressing risk by considering each carrier's operating record in setting coverage and premium levels. If minimums are increased, annual premiums for small business truckers could top $20,000 per truck. Many large motor carriers self-insure and would be exempt from these increases.

Oppose Unproven & Anticompetitive Regulations and Mandates

The reauthorization bill should not be used to advance regulations and mandates with unproven safety effectiveness and negative competitive impacts to small business truckers. This includes efforts to mandate the use of speed limiters on trucks that will increase unsafe speed differentials between trucks and cars.

Build Upon Existing Safety Programs to Protect Truckers

OOIDA's Truckers for Safety agenda calls for changes to existing safety programs to improve protections for truckers, including educating car drivers about how to drive safely around trucks, advancing improvements to truck crashworthiness, and improving existing tools like FMCSA's Safety Hotline.

Avoid Truck Size & Weight Increases

The overwhelming majority of trucking, from independent owner-operators up to most fleets, does not see a benefit from increasing truck size and weights. Further, supporters within the shipper community are largely insulated from any cost and safety consequences related to an increase. While shippers talk about cost savings, all they are doing is shifting transportation costs to small business truckers and others.

OOIDA represents our nation's small business truckers, entrepreneurial men and women who make up the majority of the US trucking industry. More than 90 percent of carriers own 20 trucks or less and half of all trucking companies are one-truck operations.

OOIDA's 150,000 members and their peers live and operate in every Congressional district in the nation, and collectively haul more than 40% of our nation's truck freight each year. The average OOIDA member has more than 25 years of trucking experience and more than two million miles of accident-free driving.

Learn more about OOIDA by visiting ooida.com.

TRUCKERS FOR SAFETY

OOIDA has developed a comprehensive highway safety agenda that prioritizes entry-level driver training. Learn more at truckersforsafety.com

OOIDA

Small Business Trucking's Top Priorities for Reauthorization's Highway Title

OOIDA supports the enactment of a long-term surface transportation reauthorization before the expiration of MAP-21.

In addition to addressing important motor carrier-related issues such as entry-level driver training, regulatory burden and effectiveness, and avoiding costly mandates and policy changes, the new reauthorization should build on the reforms in MAP-21 and focus on the following priorities in the highway title.

Build on MAP-21's Focus on Improving Highway Freight Movement & Reducing Diversion

There is a clear federal responsibility to improve interstate commerce, and a national highway program provides this focus. Without a strong highway network, Americans would see major reductions in their quality of life - getting reasonably priced fresh produce across the country requires highways. Manufacturers that support communities would face added barriers to easily exporting their products. The reauthorization should build on MAP-21's focus on improving the efficiency of highway freight movement. Addressing freight bottlenecks and ensuring that states dedicate resources to improving primary, secondary, and rural freight routes should be key focus areas for reauthorization. Further, the new bill should continue to reduce diversion of highway user fees away from highway projects. Funding sources other than highway users should fund rail, pedestrian, bike, and transit projects.

Maintain our National Highway System by Avoiding Tolls and Privatization while Sustaining the Highway Trust Fund (HTF)

Our highway system is nationally important, and funding solutions must avoid localizing our Interstates and national highways. Returning the HTF to solvency is a necessity, but the base must be maintained broadly – truckers, who represent 10% of highway traffic while paying 40% of highway fees, should not be targeted. Tolling existing toll-free Interstate capacity and vehicle-miles traveled taxes mean high administrative expenses which rob highways of investment; further, truckers are generally not reimbursed for tolls they pay out-of-pocket. While private investment can play a role in specific projects, leasing highways to private operators completely fails to address long-term funding.

Return Needed Oversight to Tolling Authorities

OOIDA members and other truckers have long been the targets of tolling authorities as they have increased tolls upwards of $100 to cross a single bridge. The GAO has documented the lack of oversight and accountability for tolling authorities, as well as a need to increase the transparency of their operations. The new reauthorization offers an opportunity to bring back prior oversight measures, including requiring tolls to meet a "just and reasonable" standard, while adding new provisions that will open the agency's books and decision-making process to needed public scrutiny.

Increase Focus on Reducing CMV Accidents in FHWA Safety Programs

OOIDA's Truckers for Safety Agenda identified improvements to FHWA's Highway Safety Improvement Program (HSIP) to ensure that states are targeting investments on areas that frequently see CMV accidents. Adding rumble strips, improving curves, adding and/or modifying signage, and other safety investments can have a dramatic impact on reducing CMV accidents, yet today's HSIP program does not require that states incorporate CMV accidents as a focus of their Strategic Highway Safety Plans.

Continue to Prioritize Truck Parking

MAP-21 included historic truck parking provisions, known as Jason's Law. While FHWA and state DOTs, continue to implement Jason's Law into their processes, the new reauthorization should take advantage of any opportunity to expand the prioritization of this important safety need, which can also help communities address other freight and transportation challenges.

Improve Highway Planning to Increase Engagement with Truckers

The current highway planning process makes it difficult for truckers, especially those driving to or through an area, to provide views on a state or region's highway investment priorities. As professional drivers, truckers offer a unique perspective on what works and what needs improvement with a highway network. With the increased focus on freight as part of the highway program, efforts should be made to increase outreach and engagement to truckers as part of the planning process. Past highway bills have included planning pilot programs and other incentives to help develop and spread best practices.

OOIDA represents our nation's small business truckers, entrepreneurial men and women who make up the majority of the US trucking industry. More than 90 percent of carriers own 20 trucks or less and half of all trucking companies are one-truck operations.

OOIDA's 150,000 members and their peers live and operate in every Congressional district in the nation, and collectively haul more than 40% of our nation's truck freight each year. The average OOIDA member has more than 25 years of trucking experience and more than two million miles of accident-free driving.

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TRUCKERS SAFETY

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ADVOCATES
for Highway & Auto Safety
1989 • 2014

January 27, 2014

The Honorable Bill Shuster
Chair
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, D.C. 20515
Sent via fax: 202-225-4629

The Honorable Nick J. Rahall II
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, D.C. 20515
Sent via fax: 202-226-1270

Dear Chairman Shuster and Ranking Member Rahall:

On January 17, 2014, Advocates for Highway and Auto Safety (Advocates) sent a letter to Chairman Shuster and Chairman Petri requesting that Advocates testify at any Transportation and Infrastructure Committee and Highways and Transit Subcommittee hearings regarding safety measures needed in the upcoming reauthorization of MAP-21. We were therefore disappointed to learn that Advocates was not included on the witness list for the Committee hearing, "Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs," scheduled for Tuesday, January 28, 2014. As you know, Advocates has a long history of working with the Republican and Democratic Members of the House Transportation and Infrastructure Committee to advance safety in every surface transportation authorization bill since Advocates was established in 1989. As we discussed with Chairman Shuster, who spoke at our April, 2013, Board meeting, this collaborative and cooperative process of working together to advance safety has been critical in our efforts to prevent motor vehicle crashes, save lives and reduce costly injuries.

Advocates possesses valuable experience regarding federal and state safety initiatives. We provide a unique voice in discussion of improvements to federal surface transportation safety grant programs as we initiate and participate in efforts to advance highway safety laws at the state and federal levels. Just last Wednesday, January 22, 2014, Advocates released its 11th annual report card of state highway safety laws, the *2014 Roadmap of State Highway Safety Laws*. This report evaluates fifteen state laws on the critical issues of adult occupant protection, child passenger safety, teen graduated driver licensing (GDL), and impaired and distracted driving. After six consecutive years of declining fatalities on our nation's roads, traffic deaths increased in 2012 to 33,561 fatalities. This alarming shift is a stark reminder that states must continue to pass and enforce strong, comprehensive highway safety laws. However, the unfortunate reality is that not one state has enacted all of Advocates' fifteen recommended safety laws.

Even worse, some states are considering laws that will roll back safety. During the 2013 legislative session, nineteen bills to repeal existing all-rider motorcycle helmet laws were introduced in eleven states while only three state legislatures introduced all-rider helmet bills. Meanwhile, motorcycle rider deaths continue to climb to record numbers and studies continue to show that without all-rider laws, helmet use is low and fatalities are high. There were ten times as many unhelmeted motorcyclist fatalities in states without all-rider helmet laws as in states with all-rider helmet laws.

Based on Advocates' safety recommendations, states need to adopt the following new laws:

- **Seat Belt Use** – In 2012, more than half (52%) of passenger vehicle occupants killed were unrestrained. There were 12,174 lives saved (5 or older) because of seat belt use in 2012, and an additional 3,031 lives could have been saved with 100% belt use.
    - *17 states need an optimal primary enforcement seat belt law for front seat passengers.*
    - *33 states need an optimal primary enforcement seat belt law for rear seat passengers.*

- **Motorcycle Helmets** – In 2012, there were 4,957 motorcyclists killed and 93,000 injured. Motorcycle helmets saved the lives of 1,699 people in 2012, and an additional 781 could have been saved with 100% helmet use. The number of motorcycle crash fatalities has more than doubled since a low of 2,116 in 1997.
    - *31 states need an optimal all-rider motorcycle helmet law.*

- **Child Passenger Safety** – Motor vehicle crashes are a leading cause of death for American children aged five to fourteen. In 2012, 291 children age four through seven died in motor vehicle crashes. Using a booster seat with a seat belt instead of a seat belt alone reduces a child's risk of injury in a crash by 59% according to Partners for Child Passenger Safety, a project of the Children's Hospital of Philadelphia and State Farm Insurance.
    - *19 states need an optimal booster seat law through age seven. Three states have no booster seat laws at all.*

- **Teen Driving** – In 2012, there were 4,640 people killed in crashes involving young drivers (1,875 were young drivers, 1,052 were passengers of young drivers, and 1,713 victims were the occupants of other vehicles and others). A study by the Insurance Institute for Highway Safety (IIHS) reported that "states that have adopted GDL systems have found overall crash reductions among teen drivers of about 10-30%."
    - *No state meets all the criteria of Advocates' recommended GDL program.*

- **Drunk Driving** – In 2012, there were 10,322 people killed in crashes involving a drunk driver, representing about a third of all occupant fatalities. According to the Centers for Disease Control and Prevention (CDC), when Ignition Interlock Devices (IID) are installed, they are associated with a reduction in arrest rates for impaired driving of approximately 70%.
    - *39 states and D.C. are missing one or more critical impaired driving laws.*

- **Distracted Driving** – In 2012, there were 3,328 people killed and 421,000 injured in crashes involving a distracted driver. Crash risk increases dramatically – as much as four times higher – when a driver is using a mobile phone. According to National Highway Traffic Safety Administration (NHTSA) data, almost 10% of fatal crashes and 18% of injury crashes in 2012 were reported as distraction-affected crashes; however, there are problems with underreporting.
    - *13 states need an optimal all-driver text messaging restriction.*

Many opportunities to improve safety involving changes in behavior on the part of motor vehicle drivers and occupants are governed by state laws but with a clear and compelling national impact. The Roadmap Report makes it abundantly evident that many states have not taken the vitally important and proven safety actions that are urgently needed to save lives on our highways. This is where federal leadership is critical and has been effective in encouraging state action. This Committee has always played an important role in advancing safety by including a safety title in the surface transportation reauthorization bill. Advocates urges the Committee to propose highway safety measures that will accelerate state adoption of these laws which have, time and again, been proven to save lives, prevent injuries and contain costs.

Over 20 years of legislative history has proven that when Congress reinforces the need for states to pass a lifesaving law, states consistently and promptly enact those life-saving laws. It is important to point out that no state has ever lost a single dollar of federal highway funds as a result of inaction. In the 1980s, for example, Americans lacked a uniform law across all 50 states that set a minimum drinking age of 21 to eliminate the "blood borders" problem. The differences in drinking age laws resulted in young drivers from states with a minimum drinking age of 21 driving to adjacent states with a lower legal drinking age, consuming alcohol, and then driving home while under the influence. This resulted in the deaths of tens of thousands of teen drivers and young passengers, earning these areas the designation, "blood borders." In 1984, because of the leadership of Sen. Frank Lautenberg (D-NJ), Congress enacted the Uniform Drinking Age Act (Pub. L. 98-363 (July 17, 1984), *codified as* National Minimum Drinking Age, 23 U.S.C. § 158), which required states to enact a minimum age 21 law for the purchase and use of alcoholic beverages or face a potential decrease in federal highway funds. The law was championed by then-Secretary of Transportation, Elizabeth Dole, and signed into law by President Ronald Reagan. His leadership and statement at the White House signing ceremony are relevant to the current problems on our roads. President Reagan said:

> *This problem is bigger than the individual States. It's a grave national problem, and it touches all our lives. With the problem so clear-cut and the proven solution at hand, we have no misgiving about this judicious use of Federal power. I'm convinced that it will help persuade State legislators to act in the national interest to save our children's lives...*

Within 3 years, the District of Columbia and the 28 states that lacked an age 21 minimum drinking age law met the federal standard. Since the enactment of the Uniform Drinking Age Act the overall alcohol-related traffic fatality rate has been reduced by half, and NHTSA estimates that 27,052 lives have been saved as a result.

Similarly, in the Commercial Motor Vehicle Safety Act of 1986 (Title XII, Pub. L. 99-570 (Oct. 27, 1986), *codified as* 49 U.S.C. §§ 31301 *et seq.*), Congress encouraged states to pass a law requiring specific criteria for the testing and licensing of commercial drivers. By 1992, every state had passed a law requiring the testing and licensing standards outlined by the Secretary of Transportation. Additionally, in 1995, 26 states lacked a zero tolerance law to better enforce the age 21 drinking law. Congress responded by enacting the National Highway Systems Designation Act (Title XII, Pub. L. 99-570 (Oct. 27, 1986), *codified as* 49 U.S.C. §§ 31301 *et seq.*) which required that a portion of highway funds be withheld from states that failed to enact a zero tolerance law. By 1998, every state and the District of Columbia had passed a zero tolerance law. Finally, in the Department of Transportation Appropriations Act of FY 2001 (Title III, § 351, Pub. L. 106-346 (Oct. 23, 2000), *codified as* 23 U.S.C. § 163), Congress required each state to pass a law lowering the legal blood alcohol concentration (BAC) limit for drivers to .08 BAC or lose a portion of their highway funds. By 2005, all 33 states that lacked a .08 BAC law had adopted one.

In a related matter, we want to convey our serious concerns regarding the pending U.S. Department of Transportation (DOT) study on the safety and infrastructure consequences of increasing federal truck size and weights limits. The Comprehensive Truck Size and Weight Limits Study was mandated by Congress in section 32801 of the Moving Ahead for Progress in the 21st Century, commonly referred to as MAP-21 (Pub. L. 112-141). The study was intended to be a fair and objective analysis of critical transportation safety issues, but the implementation of the study has not been either. Documented bias and evident flaws in the conduct of the DOT study render it unacceptable as a basis for making future policy decisions. Advocates will firmly oppose study results based on unsupported assumptions and inadequate data, as well as conclusions that are at odds with real-world experience. Unless there are substantial, dramatic changes in how the study is being conducted, and the pervasive bias is rectified, Advocates will strongly urge Congress not to rely on the study as a basis for future policy decisions.

We request that this letter, the *2014 Roadmap of State Highway Safety Laws*, and Advocates comments submitted in response to the Federal Highway Administration notice requesting comments on the materials related to the Comprehensive Truck Size and Weight Limits Study, 78 Federal Register 76889 (Dec. 19, 2013), be included in the record of the Committee's January 28, 2014, hearing, "Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs."

The next surface transportation reauthorization bill presents an ideal opportunity to advance safety, save lives, prevent injuries, and contain associated costs. We look forward to continuing to work with you to address these solvable safety problems.

Sincerely,

Jacqueline Gillan, President

Joan Claybrook, Consumer Co-chair

January 17, 2014

Federal Highway Administration
Office of Freight Management and Operations
E84-471
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590-0001
CTSWStudy@dot.gov

MAP-21 Comprehensive Truck Size and Weight Limits Study Materials
78 Federal Register 76889, December 19, 2013

Advocates for Highway and Auto Safety (Advocates) files these comments in response to the Federal Highway Administration (FHWA, agency) notice requesting comments on the materials related to the Comprehensive Truck Size and Weight Limits Study (Study) required under section 32801 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141 (July 6, 2012). 78 Federal Register 76889 (Dec. 19, 2013). The materials for public review and comment include the desk scans (literature searches) and study plans produced by the agency and the Study contractor and subcontractors.

Advocates finds that there are serious endemic problems with the approach and implementation of the Study, and the FHWA's conduct of the Study that will compromise the scope, content, results and recommendations of the Study. Advocates has been engaged as a stakeholder from the start of the Study process and that experience, as well as a careful review of the study plans and the accompanying desk scans, reveal that the agency has permitted bias to pervade the Study, at multiple levels, in an effort to produce a completed product regardless of the source and quality of the data, or the incisiveness of the analyses. Based on the serious problems and fundamental flaws discussed in these comments, Advocates is convinced that the Study will not provide the comprehensive and fair evaluation of truck size and weight limits that Congress intended and the public expects of a government agency. Due to the numerous, multi-faceted shortcomings already adopted or planned for the Study by the FHWA, at this time, Advocates does not support the agency's proposed method for executing the Study and does not believe that the Study can achieve the goals and criteria established for the conduct of the Study.

Advocates is most concerned with the apparent bias that appears to pervade the Study. The problems commenced with the selection of contractors and subcontractors that have previously performed studies that supported increases in truck size and weight limits. The agency Study Plans and desk scans include references to research and non-research materials that advocates for increased truck size and weight limits, and misrepresent the findings of one prior study as supporting increases in truck size and weight limits when, in fact, the study did not do so. The desk scans also fail to acknowledge or include studies indicating safety deficiencies among current multi-trailer truck configurations that have been documented by legitimate research organizations. The bias includes reliance on voluntary reporting of data by self-interested stakeholders, and the use of limited and inadequate data. The agency documents also indicate that the Study will not address the increasing future demand on freight shipment, and therefore, the impact of longer, heavier truck configurations. In addition, the Study Plans indicate that the agency will rely on non-traditional methods of analysis, and untried and undeveloped approaches to data analysis in a number of areas. The Study will have major ramifications on highway safety policies for decades to come. Public safety is at stake, lives are in jeopardy and our nation's infrastructure investments are at risk because of the unacceptable and unreliable conduct of this Study.

Among the most serious flaws in the FHWA's approach are the following:

- Engaging contractors and subcontractors with a bias for producing questionable studies endorsing increases in truck size and weight policy;
- Acceptance of a "steady" or "snap shot" approach to impact on freight movement despite FHWA's estimation of significant future increases in truck freight tonnage;
- Use of voluntarily contributed fleet data from stakeholders with a direct economic self-interest in promoting increases in truck size and weight policy;
- Reliance on non-research information that promotes increases in truck size and weight policy;
- Numerous documented examples in which study findings are ignored, glossed over or dismissed altogether in summary statements;
- Unacceptable failure to acknowledge or include in the safety desk scan recent research indicating higher crash rates among multi-trailer configurations;
- Exclusion of vehicle characteristics that indicate safety disadvantages of certain LCV configurations;
- Reliance on data from existing multi-trailer configurations and longer combination vehicles LCVs that have highly constrained operating conditions and that operate in locations that are not representative of the national operating environment;

- Presumption of ideal operating conditions despite documented real-world industry non-compliance with critical aspects of truck operations, such as oversize or overweight vehicles, poor vehicle maintenance, driver error, etc., which impact all aspects of the Study;
- Reliance on untested and, in certain cases, unspecified assumptions that have could have a significant effect on the Study results but are not explained;
- Curtailed analysis of bridge and pavement impacts;
- Reliance on nonconventional measures and methodologies including alternate cost allocation analysis, the use of safety performance functions (SPF), and a "ton-miles" metric, that are inappropriate and misleading;
- Consistent and gross failure to employ optimal data and analyses and excusing this unacceptable approach due to insufficient time.

For these reasons, and others detailed below, Advocates has no confidence that the Study will render a fair, objective or comprehensive analysis of the safety and infrastructure consequences of changing truck size and weight limits. Because the identified problems are numerous and the desk scans are extensive, the remainder of these comments provides specificity regarding the shortcomings of the study plans and desk scans in implementing the Study.

A. Stakeholder Meetings and Distribution of Study Materials

The FHWA's initial public outreach session, intended to obtain information and comments from a limited group of registrants is symbolic of the agency's mishandling of the other aspects of the Study. The first public stakeholder outreach session, held on May 29, 2013, was a poorly organized, incompetently designed meeting which was divided into three different subject matter sessions, each of which was conducted twice. This arrangement prevented any attendee from participating in more than two of the sessions. In addition, each repeat session, since it was attended by a different set of attendees, covered different issues and received different comments from those attending, so no attendee could hear or fully participate in the distinct discussions that took place even on the same subject matter from session to session.

These problems extended to the remote participants, some of whom could not attend in person because of meeting space limitations, who did not receive a live-stream broadcast of any of the actual stakeholder sessions but were instead treated to a webinar discussion which was unconnected to any one of the three subject matter sessions. The frustrations participants experienced at the first meeting have continued with the release of the desk scans and study plans, and the second stakeholder outreach meeting.

A.1. *Release of Desk Scans*

As a result of concerns about the bias and potential conflict of interest of Study contractors, the FHWA contracted with the Transportation Research Board (TRB) to establish a peer review committee (TRB Committee) to provide critical review at two stages of the Study. In late November, 2013, the agency announced that the TRB Committee would host a public meeting in early December, 2013, to include presentations of the desk scans conducted by agency staff and the Study contractors. The desk scans should constitute the bulk of the research which the agency and the contractors intend to rely on in conducting the Study. At the time of the announcement of the TRB Committee meeting, the agency had published for public review just three, those for pavement, bridge structure and enforcement/compliance, of the five desk scans. The two desk scans that were not available pertained to safety, highway safety and truck crash analysis, and the modal shift subject areas. Although all five desk scan results were discussed in the TRB Committee meeting, the agency did not notify the public that all of the desk scans were completed and available until the day after the TRB Committee meeting was held. The delayed notice and belated release of the safety and modal shift desk scans provided the public with only an abbreviated and extremely limited time period to review the first three desk scans prior to the TRB Committee meeting, and even less time to review the remaining two documents which were not released until the day of the TRB Committee meeting. As a result, the public had limited ability to prepare comments to present at the TRB committee meeting and were limited to submitting written comments within one week after the TRB Meeting. Considering the extensive material and the important role that the desk scans play in determining the scope and the depth of the Study, a far greater amount of time was required to allow the public to examine the research and documents referenced in each desk scan to determine the validity of the research and whether the cited research actually provides support and justification for the agency's premise and execution of the Study components. The agency simply did not provide sufficient time for a comprehensive review of the underlying research and materials that are being relied on to produce the Study.

A.2. *Release of the Study Plans*

The FHWA's inability to properly inform the public was further displayed in the agency's failure to provide the study plans, the blueprints for the Study, either to the members of the TRB Committee or the public in advance of the TRB Committee meeting. Although the TRB Committee was being asked to comment on the desk scans and the research studies identified in the desk scans, the TRB Committee members had no information about the study plans, that is the roadmap for each area in the Study. As a result, the TRB Committee members had no way to determine whether the desk scans were in line with the study plans or whether the desk scans were missing areas of review and research that were originally intended to be included in the Study.

At the same time that the TRB Committee meeting was announced, the FHWA also announced that it would hold a second stakeholder input session on December 18, 2013, to discuss the desk scans and study plans. This second public stakeholder, outreach

meeting was limited only to a webcast. While the public could participate and ask questions via the internet, there was no face-to-face interaction with the public. In a repeat performance similar to the delayed release of the desk scans prior to the TRB Committee meeting, the agency did not release the study plans for public review until the day before the second public stakeholder, outreach meeting, again leaving the public on a short timeline in which to prepare comments and questions for the meeting. The webcast consisted of five lengthy Powerpoint-style presentations of the desk scan results, followed by typed questions from the public observing the webcast.

The FHWA's handling of these initial steps in the study indicate a disorganized and rushed pace with little regard for adequately informing the public in a timely manner and limiting meaningful public input at meetings. This suboptimal approach, as discussed below, is also indicative of the manner in which the FHWA study plans and desk scans were performed.

B. Highway Safety and Truck Crash Subject Area

Public safety must be at the forefront of any study of over the road commercial transportation, freight shipment, and, in particular, truck size and weight because over ten percent of highway fatalities occur in truck-involved crashes.[1] Moreover, the discussion of problems with the proposed Study is exemplified in the discussion of the study plan and desk scan for the highway safety and truck crash analysis subject area. Advocates has strenuous objections regarding the approach to data collection and the lack of direct crash data, the introduction of bias, and the inadequate time allotted to conduct and complete the safety portion of the Study. The concerns and problems encountered in the safety study area are similarly found in almost all other study areas.

B.1. *Study Plan*

In each subject area the study plan provides an outline of the proposed methodology for the analysis. Advocates identifies shortcomings of the study plan before examining the desk scan and the body of research which the FHWA intends to rely on in order to execute the study plan. This order allows for examination of the desk scan in light of the study plan and enables the reviewer to determine if the desk scan is adequate to support the study plan. This is the problem alluded to by the TRB committee when it received the desk scans before the study plans. In the safety study plan, the agency is proposing a three-pronged approach including an analysis of truck crash data, an analysis of vehicle stability and control characteristics, and an analysis of safety inspections and violations. Advocates' concerns with each prong of the proposed analysis are addressed by the type of analysis.

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[1] Traffic Safety Facts, Research Note: 2010 Motor Vehicle Crashes: Overview, NCSA, DOT HS 811 856 Nov. 2013.

Analysis of Truck Data

The FHWA is proposing to undertake three methods of analyzing the truck data including a route-based analysis, a fleet-based analysis, and finally an analysis of state-based crash data. In addition, however, the agency also states that "[o]ther methods will be considered as offered through stakeholder outreach; such methods are not discussed in this document."[2] While this statement holds open the possibility that other methods of analysis may later be included, it means that the safety study plan may be incomplete and there is no way for the public to know when and how it may be revised. The agency must present for review and comment, by the public and the TRB Committee, any additional methods planned for the analysis, details about the method, and an explanation of why the method is being added to the study plan.

Route Based Analysis

The proposed route-based analysis would include identifying states which allow operation of alternative vehicle configurations, including LCVs, on some routes but not on other similar routes. The analysis will then compare pairs of similar routes using the crashes per unit time as a function of annual driving miles in the form of a Safety Performance Function (SPF). Advocates has several major concerns with the proposed method. First, the agency is stating clearly their departure from the traditional metric for measuring highway safety exposure, crash rates per vehicle mile traveled (VMT).[3] Advocates is concerned that the proposed deviation from the conventional VMT measure and comparison method, to a non-traditional comparative metric is being done for the sake of convenience in order to account for a lack of data. This concern is bolstered by the agency's noting that in a preliminary review, only three states were identified as possible candidate for this analysis. The proposed method of analysis, while typical in the study of road treatments like rumble strips, is not traditional for the subject matter of the Study. The effectiveness of this method is also called into question in light of the lack of sufficient and robust data. Advocates is further concerned that the SPF will be used as a means to build into the study analysis the questionable assumption that permitting larger and heavier vehicles will reduce the number of trucks on the road and, as a result, 'improve' safety.

Furthermore, despite acknowledging the problem, the agency has presented no methods for accounting for operational differences and conditions in the limited situations from which data will be gathered (limited roads, vehicles, operating conditions) and how that can be transferred to the national experience. Advocates concludes that the agency is using this alternative method to account for a lack of data that directly addresses crash rate. It is not credible for the FHWA to introduce a non-representative, limited sample of data and analyze this data with methods not typically used to examine the question of truck crash rates as they relate to increases in size and weight.

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[2] Highway Safety and Truck Crash Comparative Analysis: Final Draft Project Plan / Schedule, Comprehensive Truck Size and Weight Limits Study, FHWA, November 2013, (Safety Study Plan), p. 3.

[3] "The SPC replaces, in a general way, the concept of crash rate."

Fleet-Based Method

The second method proposed in the safety study plan is a fleet-based analysis examining the crash data from fleets which operate both baseline and proposed alternative vehicle configurations. The data will be limited to DOT-reportable crashes, and the analysis will again use the non-traditional SPF-methods proposed in the first analysis. In addition to concerns with employing non-traditional analysis methods as described above, Advocates is most concerned with bias and the lack of reliability of voluntarily submitted data. In the case of this analysis, the FHWA is proposing to gather data with the help of the American Trucking Associations (ATA) and its research arm the American Transportation Research Institute (ATRI) from self-interested motor carriers. The study plan fails to acknowledge is that the ATA is an organization which has consistently endorsed increases in truck size and weight policy. It is not unreasonable to be concerned that the ATA and its associated state-ATAs, as well as the motor carriers themselves, would self-select only those carriers and / or data that would result in analysis findings that support increases in truck size and weight. This self-selection process is no substitute for a true random sample which is the gold standard for research and data collection. Further, it is disturbing that the agency has admitted that is has already entered into contracts with carriers,[4] even before the agency has received comments on the proposed methods.

The use of self-reported data from stakeholders with a financial interest in the outcome of the data analysis violates all rules against introducing bias in data. The fact that the agency appears to be willing to accept tainted data, from a likely biased source, is untenable. The agency even admits that it cannot verify the accuracy of such data except "[t]o the extent possible, crash information will be verified by secondary sources." This is completely unacceptable from the standpoint of good research practice and from the perspective of public safety. The use of corrupted data will only result in skewed and unreliable analyses and results.

State Crash Rate Analysis

In the state crash rate analysis the FHWA proposed to identify states that have databases in which the vehicle configurations under study can be identified, and, with help from state DOTs and trucking fleets, select states where these vehicle configurations have accumulated adequate VMT and crashes. The Study would then perform SPF based comparisons (again similar to that used in the route-based method described above). The agency states that one of the major shortcomings of this method is that vehicle configurations could only be selected based solely on the number of trailers and axles, not on the precise vehicle configuration, because no state has records by vehicle configurations. The agency discusses the problems involved in identifying different vehicle configurations due to the lack of available data, the inability to examine the

[4] "Some commitments from carriers have been received; it is expected that additional commitments will be made during the next few weeks. The data use agreement and data requirements have already been sent to carriers."

proposed twin-33 foot trailer configurations, the limitation of data on triple trailers exclusively to states like Idaho, Oregon, Kansas, Nevada, and Utah, and the limitation of data on heavy tractor-trailers to five states none of which were found to have ideal data available. The agency mentions the importance of weigh in motion (WIM) data to the analyses. Specifically, the agency states that:

> For the analysis to be successful, these "spot counts" [from WIM data] must be extrapolated to a large sample of similar roadway sections in the same state. During the Desk Scan phase, no description of such a methodology being used before was identified. An acceptable one will have to be developed.[5]

Advocates finds it astonishing that the FHWA is planning to rely on a non-traditional methodology for a critical safety analysis. Once again it is apparent that the agency is forcing the use of inadequate data in order to meet the Study deadline. Advocates is also similarly concerned that the agency proposes to develop new analysis methods which are not yet available and have not been disclosed to the public for review and comment.

In addition to the analysis being undertaken to compare on road performance of baseline and proposed vehicle configurations, the FHWA notes that increases in size and weight may have effects on the safety benefits of roadside devices. However, while this mention is promising, the agency again has provided no insight as to the methods to be undertaken to address or quantify these concerns as part of the safety analysis.

The agency clearly acknowledges the fact that the carriers and drivers operating the vehicle configurations studied in the limited state data might well not be representative of the national experience of motor carriers, let alone of the general type of carriers which will be permitted to operate the larger, heavier vehicles if truck size and weight limit increases are permitted in the future. The lack of any description of methods for extrapolating a national representation from this type of sample is further indicative of the study plan's serious shortcomings.

The proposed methods for truck crash data analysis all appear to suffer from the same issues which have been cited repeatedly by the FHWA, which is the lack of available, accurate, comprehensive data from which to perform a credible analysis. Throughout the description of the proposed methods, the agency acknowledges the shortcomings but provides little evidence or information on how these will be addressed. In acknowledging the fact that the driver and carrier sample is small and unrepresentative, the agency utterly fails to propose a method for estimating a meaningful national result. The repeated mention by the FHWA that modification to methods and assumption will need to be made, which are not included in the safety plan, and will thus likely not be presented to the public for review and comment as part of this open process, pose an insurmountable impediment for producing a viable and comprehensive Study. Numerous

[5] Safety Study Plan, P. 21.

decisions to accept subpar data, resort to non-traditional methods and analyses, and seeking data from biased sources, are the result of the agency's failure to conduct appropriate research in past years and the abbreviated timeline for completion of the Study.

Analysis of Vehicle Stability and Control

In this second analysis method, the FHWA is proposing to "to develop computer models of a various vehicle configurations, simulate those configurations through a series of scenarios, and observe trends in objective performance parameters."[6] The performance of the vehicle configurations will be evaluated under certain maneuvers or scenarios.

In defining the configurations to be tested the agency indicates that the simulations will assume dry van trailers, rigid loads, fixed-centered loads, and other conditions. However the agency presents no clear indication of how the proposed vehicle and load characteristics are representative of the vehicles and loads currently operating and begin hauled on U.S. roads. The agency almost highlights this concern when it states clearly that "[t]his project does not include making any laboratory measurements to obtain vehicle or tire parameters, or conducting dynamic field tests for the purpose of validating full vehicle models."[7]

The simulated testing will include brake testing and include conditions in which a vehicle's automatic braking system (ABS) is malfunctioning. Similar to the question regarding the vehicle and load configurations, Advocates is concerned that the brake conditions are not representative of the real-world condition of vehicle brakes currently in operation on U.S. roads. Considering that one in five large trucks are placed out of service for vehicle violations, a large number of which are brake related, it is important that the examined brake conditions represent the existing state of operation observed on the road. Moreover, considering that increases in truck size and weight, and possibly axles loads, could lead to increases in occurrences of poor vehicle / brake maintenance, it is important that the safety analysis attempt to account for these changes. Assuming the ideal condition, that larger, heavier trucks will have better brakes and achieve full vehicle maintenance compliance, is entirely unrealistic and will lead to a distorted analysis that is likely to underestimate the impact of these policies.

There are additional concerns related to this problem. First, the agency indicates that it will rely on the industry to inform their definition of vehicle properties. Similar to concerns about bias in other areas of the study, the agency should be careful when relying for data and information on sources with a vested self-interest in the outcome of the Study. It is incumbent upon the agency to state clearly what kinds of studies would be necessary to accurately characterize the expected vehicle characteristics, and more importantly condition, of the average vehicle expected to be operated on the road. The

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[6] *Id.*, p. 27.
[7] *Id.*, p. 32.

Study must seek other sources for this information rather than relying on biased sources like industry.

Second, the agency notes that it will calculate performance metrics from the simulations to compare the behavior of the simulated vehicle configurations. Of concern is that during this discussion, the agency notes that "[t]he report will justify the assumptions."[8] Similar to earlier complaints regarding the first analysis method, Advocates objects to the fact that the agency is again failing to inform the public prior to executing the research and has circumvented the public comment effort. This repeated patter of glossing over the details and particularly the assumptions used in the safety analysis, as well as the other desk scan analyses, defeats the purpose of releasing the study plans in advance in order to obtain meaningful public comment.

Finally, the FHWA provides no explanation as to how the results of the simulations will be used to quantify the safety of the vehicles as they would operate on U.S. roads. While improved aspects of vehicle stability and control may allow a vehicle to be operated in a safer manner, unless these aspects can be correlated with on-road performance and collision causation, these results will provide very limited insight into the safety implications of increased truck size and weight. As with the various methods proposed for the crash data analysis, the results of the simulation work will only be as good as the ability to translate the examples studied into estimates of national impact. Again, the FHWA appears to be limiting the study due to the abbreviated timeline and comes up short of clearly indicating what a sufficient study of this type would require, in terms of time and effort, in order to provide the public with a complete understanding of the weaknesses of the proposed method. The public should not be asked to accept such limited analyses and truncated methodologies without providing a context for a more complete and comprehensive effort which would result in a more complete and meaningful Study.

Safety Inspections and Violations Analysis

The FHWA proposed to undertake a review of the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) to study the impact of truck's compliance with size and weight limits has on safety. The plan is to compare the patterns of violations for trucks operating below 80,000 lb. and those operating at weights above 80,000 lb.

The proposed plan is deficient for several reasons. First, it is not explained why the safety team is undertaking an analysis of compliance data when the overall Study contains a separate team specifically assigned to examine enforcement and compliance. While the compliance data is important to consider in a safety analysis (as noted above it will be useful when considering the current and predicted operation of different vehicle configurations), Advocates is concerned that the safety team is undertaking an analysis

[8] *Id.*, p. 31.

outside their immediate purview to the detriment of the other safety analyses proposed. As the agency has indicated, the other safety analyses are already weak and will require significant modification of techniques and data as well as contractor time.

Second, and a more serious problem, is the FHWA's reference regarding the need to continue to develop a list of factors to examine, and the statement that a list of variables and data sources are still to be identified. Again, these matters could be handled by the enforcement/compliance team rather than the safety team. However, the incomplete detail of the study plan raises a pervasive issue that this indicates the rushed nature of the study plan is incomplete and that the FHWA failed to devote adequate time and resources to developing the safety plan. Too many important aspects and details of the study plan are not yet known and are left to future development and specificity.

In summary, Advocates finds that the shortcomings of the safety study plan are significant, does not reflect a well-thought out process, and will result in an inadequate safety analysis. The study plan is perfunctory in nature and omits a good deal of details which should have been included and disclosed to the public and the TRB Committee for review and comment. For these reasons, Advocates cannot support the safety study plan as presented.

B.2. ***Safety Desk Scan***

The FHWA states that the safety desk scan was intended to "provides a brief introduction to the fundamentals of size and weight policy related to safety, a comprehensive analysis of truck size and weight research related to safety and a scan of international activities in the area of size and weight research and policy development."[9]

Historical Perspective

The first part of the desk scan purports to provide a historical perspective of size and weight policy related to safety. However, the very first document cited, National Cooperative Highway Research Program (NCHRP) Report 671, is a report on truck size and weight regulation in Canada, which recommends that the U.S. approve vehicles above the current federal weight limit of 80,000 lbs.[10] The report is not only an advocacy document, the executive summary also contains a refuted, but oft repeated, assumption that increases in size and weight limits will reduce the number of trucks on the road.[11] This has been shown to be historically inaccurate over the past 40 years. The report

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[9] Highway Safety and Truck Crash Comparative Analysis: Final Draft Desk Scan, Comprehensive Truck Size and Weight Limits Study, FHWA, November 2013, (Safety Desk Scan), p. 2.

[10] NCHRP Report 671, Woodrooffe, J., R. J. Billing, *et al.* (2010). Review of Canadian Experience with Regulation of Large Commercial Motor Vehicles. Washington, DC, TRB.

[11] "If a U.S. jurisdiction were to consider a higher allowable gross weight, it would be appropriate to define weight ranges and vehicle configurations for each. This approach could potentially reduce the number of trucks by maybe 10% to 15%, by judicious definition of weight ranges and suitable vehicle configurations."

concludes that harmonizing size and weight regulations with Canada and Mexico (the North American Free Trade Act (NAFTA) countries), which means an increase in size and weight for the U.S., is also a compelling financial issue. The fact that the FHWA safety desk scan literature review starts with a document which openly endorses increasing truck size and weight is an indication that bias pervades the process.

The historical perspective also includes a number of reports which have appeared time and time again in any discussion of truck size and weight. However a number of these studies fall into a category similar to that of the NCHRP 671, as they endorse increased truck size or weight limits and rely on disputed assumptions such as increases in size and weight limits will result in a reduced number of trucks on the highway. Several of the studies also conducted simulation analyses of proposed vehicles, which are the basis for the analysis method proposed in the present study plan. It is telling, however, that some of the referenced studies, such as the Western Uniformity Scenario Analysis, contain statements which conflict with and call into question the findings of the NCHRP 671 and other similar studies included in the desk scan. [12]

Advocates has also identified a number of obvious misstatements in the desk scan. The summary in the desk scan describing the Western Uniformity Scenario study states:

> The study recommended that, to the extent possible, the vehicles accepted would be at least as safe as vehicles on the road at the time and that the companies operating those vehicles should have excellent safety records.[13]

This is a serious misrepresentation of the paper's findings. The report actually takes no position regarding safety, stating:

> Data simply are not available upon which to develop reliable estimates of changes in the number of crashes or fatalities that might result from a change in truck size and weight limits such as the Western Uniformity Scenario.[14]

This blatant mischaracterization of the findings of a previous study cannot be considered inadvertent and casts doubt on the fairness and impartiality of the enterprise. The study team appears to favor studies which have openly endorsed truck size and weight increases while, at the same time, misrepresenting the conclusions of other prior studies.

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[12] Western Uniformity Scenario Analysis: A Regional Truck Size and Weight Scenario Requested by the Western Governors' Association, U.S. DOT, April 2004, (WUSR), p. VII-11; "Finally, there have been attempts to utilize Canadian or Australian data to predict the safety impacts associated with more widespread LCV use in the U.S., but those countries have very different enforcement mechanisms, road networks, and traffic densities, making it difficult to draw implications from their crash experience for the U.S.".

[13] Safety Desk Scan, p. 4.

[14] WUSR, p. ES-10 and p. XI-2.

Data Issues

The desk scan also discusses the recurrent issue of the lack of data available for analysis, specifically the lack of crash and exposure data. What is interesting is the lack of any explanation in the desk scan that this circumstance is not new. In fact, the Western Uniformity Scenario Analysis includes a description of a 1992 Government Accountability Office (GAO) report which identified this lack of safety data.[15] Aside from the fact that over two decades later the safety analysis is suffering from the same issues, it is even more amazing that despite clear indications of the pitfalls of attempting to perform analyses on the safety of truck size and weight limit increases with such limited data, that the present study makes no clear statement or admission that to proceed under these conditions would lead to a waste of time and money and result in conclusions which will be rendered useless due to their lack of accuracy.

Performance Characteristics

The desk scan includes a review of studies which used the simulated vehicle performance analysis being proposed for the present study. While all of the studies cited generally come to the same conclusions with respect to changes in dynamic performance as it relates to possible crash types, rollover for example, there was no possibility of relating these conclusions to predictions regarding on-road performance in terms of crash occurrence. The simulations only examine dynamic performance under the ideal conditions, failing to take into account real-world, on-road operation of large trucks. For example, the FHWA mentions the effect that poor brake maintenance can have on braking capability due to changes to the braking system components and loading under the proposed alternative configurations. Other benefits from performance characteristics could be limited by changes in vehicle loading, driver behavior, and other operating conditions, a fact which the agency notes when it cites the statement that "differences in operating environment can overshadow the influence of vehicle characteristics".[16] The FHWA cites in the desk scan "the *direction* of the relationships between the physical parameters and crash risk follows from physical principles, but the *magnitude* depends on operations and environment and so must be determined by actual experience."[17] While vehicles can be designed under ideal operating conditions to perform better than existing vehicles, this is relatively meaningless without the ability to relate this to real-world, on-road and in-traffic performance. In almost all cases, this shortcoming is related to the lack of available data on large trucks which undermines all aspects of the safety analysis.

Configuration

In the discussion of studies which examined safety by vehicle configuration, the FHWA indicates that a number of papers have found larger / heavier vehicles to have higher

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[15] *Truck Safety: The Safety of Longer Combination Vehicles is Unknown*, GAO/RCED-92-66, Government Accountability Office (March, 1992).

[16] Safety Desk Scan, p. 10, citing Fancher, P. and K. Campbell (1995). Vehicle Characteristics Affecting Safety, Truck Size and Weight Study, Phase I: Working Papers 1 and 2 combined. FHWA (Wash. D.C.).

[17] *Id.*, p. 11, emphasis in original.

crash rates among a number of other characteristics which would indicate that these vehicles are less safe than their smaller / lighter counterparts. It is interesting to note, if only anecdotally, is that the one study referenced in this section which reportedly found larger / heavier vehicles to be safer was based on fleet data and was authored by the co-lead of the safety analysis team.

Observational and Pilot Studies

The section of the desk scan on observational and pilot studies includes a discussion of three studies of the operation of larger / heavier vehicles in Canada. What is important about the findings is the caveat which is placed on the them, namely the general conclusion that operating conditions (route restrictions, driver training and experience, permit requirements, etc.) in Canada likely contribute significantly to any improved safety performance observed. Advocates is encouraged by the acknowledgement of these caveats to the findings based on the Canadian data. It is important that the study observe and respect these limitations rather than overlook the prevailing operating constraints in an attempt to apply the limited operating experience in a narrow operating environment in Canada to a broad operating environment on a national basis in the U.S.

The desk scan also notes the results of state data studies of larger / heavier trucks which are reminiscent of the proposed analysis in the present study. More importantly, many of the studies cited make some mention of the limitations of the data available. Considering these findings, it is questionable as to why it appears that the present study will be seeking data from many of the same states, when the data limitations and their effects on the accuracy and usefulness of results are documented.

Regarding the studies on the pilot programs in the three states, Idaho, Vermont, and Maine, as well as the additional studies in Wisconsin and Minnesota, data was again found to be lacking. In the Idaho study, the crash rates were not examined directly and confounding factors could not be controlled. In Vermont, the limited amount of data and lack of VMT data prevented a meaningful analysis. In the Wisconsin study a vehicle performance analysis was conducted rather than an examination of actual on road data. The desk scan notes that the Wisconsin study concluded that "[t]here would be a net saving in crashes if allowing heavier trucks resulted in fewer total trucks on the road, or if trucks were diverted to safer roads";[18] a conclusion which is based on a faulty and unsupported assumption, and which is unrelated to actually improving the safety performance of trucks themselves. However, the desk scan also notes, and rightfully so, that "the results depend on the validity of the assumptions made, rather than direct measurement of crash rates."[19] It is interesting to see the FHWA highlight this fact considering the number of assumptions previously mentioned but that have not been tested and explained in the study plan which accompanied the desk scan.

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[18] *Id.*, p. 20.
[19] *Id.*

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International Experience

The desk scan begins the discussion of studies related to international experience with larger / heavier vehicles by examining the development of performance based standards (PBS) in Canada and Australia. The desk scan and studies cited therein describe a non-prescriptive regulatory scheme in which vehicles are approved based on vehicle dynamic and road occupancy performance characteristics. It is interesting to note that a number of the characteristics used in the performance based standards are the very same characteristics which the agency is proposing to analyze in the simulation analysis mentioned in the study plan. Advocates is concerned that the present study will be used as yet another platform for advocating for performance based standards which will be used to promote increases in truck size and weight limits.

The discussion of international experience also references a study by the Organization for Economic Cooperation and Development (OECD). In the discussion of this work, which largely recaps the results of previous studies, there is the following statement:

> the authors found likely increases in crash risks per vehicle km, but decreased crash risks per unit of goods moved.[20]

This statement is of significant concern in terms of evaluating safety. In the context of the present study, this type of analysis has been referred to as the "ton-mile" analysis, where crash rates are determined not by VMT but by the amount of freight that can be moved per mile, or the "ton-mile". The fact is that a ton-mile analysis places maximum emphasis on the importance of freight movement as compared with traditional methods which place emphasis on safety by measuring crash risk and its concomitant damage in terms of people injured or killed. The following example illustrates how a ton-mile analysis can artificially make larger / heavier vehicles appear safer when per vehicle safety has not in fact improved at all.

	Vehicle 1	Vehicle 2	
Average Vehicle Weight	80,000	100,000	lb
VMT	100,000	100,000	miles
Ton-Miles	8	10	billion ton-miles
Crashes	1	1	
Fatalities	2	2	
Crash Rate Per 100,000 VMT	1	1	
Fatality Rate Per 100,000 VMT	2	2	
Crash Rate Per Billion ton-miles	0.125	0.1	
Fatality Rate Per Billion ton-miles	0.25	0.2	

[20] *Id.*, p. 38

In the above example, two vehicles both travel 100,000 miles in a given year; both were in one crash which killed two people. The only difference between the trucks is that Vehicle 1 carried on average 80,000 lb of freight, while Vehicle 2 carried 100,000 lb of freight. According to the VMT analysis, both trucks have the same crash and fatality rates. However, according to the ton-mile analysis, Vehicle 2 had a 25% lower crash and fatality rate than Vehicle 1 simply because more freight was being transported. This is strictly due to the change in metric from VMT to ton-miles. Both vehicles traveled the same distance over the road, and thus had the same exposure to the chance to be involved in a crash and, more importantly, both vehicles had the exact same crash experience. The ton-mile analysis would have readers believe that somehow Vehicle 2 was safer because a larger amount of freight was moved at the cost of those same two lives. Advocates is very disturbed about the potential use of this metric of crash risks per unit of goods moved or "ton-mile" analysis in the Study. This measure will skew interpretation of the analysis to emphasize freight transportation over public safety. In the present analysis the FHWA team vaguely references measures at various points in the study plan and at others talks about replacing traditional measures, like rates per VMT, with alternative measures. The FHWA should not use this or other alternative, non-traditional methods of analysis as part of the Study.

The international experience section of the desk scan continues with discussions of a pilot study in the Netherlands, a proposed system for Europe, and the experience in Sweden. The summary of the international studies provided in the desk scan reinforces Advocates concern surrounding the use of a ton-mile analysis. Notably, the desk scan notes that "several studies make the case that if the number of accidents per unit of transported goods is counted, there is an expected crash risk reduction with longer and heavier vehicles. Potential adverse traffic safety effects per vehicle kilometer could thus be offset by the fact that fewer vehicles are needed to transport a given amount of goods."[21] As previously described, both of these assumptions / conclusions are suspect and their appearance in yet another work cited for this study is disconcerting. Advocates vehemently opposes the use of the "ton-mile" analysis and the assumption in the Study that larger heavier trucks will result in fewer trucks on the road.

In summary, the discussion of international experience with longer / heavier vehicles presents a mixture of concerns. While there are a number of specific concerns with statements and assumptions made, and conclusions drawn, it is important to note that almost all of the studies cited included clear indications that in many ways the findings of these studies are largely by inapplicable to the U.S. experience. The FHWA must acknowledge and not gloss over the significant differences between the operating experience studied in other countries and the U.S. operating environment and operational experience.

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[21] *Id.*, p. 43.

Advocates reiterates that process and timing of the release of the desk scans and study plans reduced the ability of the public to fully participate in the TRB Committee meeting and the FHWA's second public stakeholder, outreach session. The willingness of the study team to note limitations in the data and analyses in past studies, and then attempt to recreate similar analyses despite the lack of data is indicative of the underlying problem. In a number of studies cited by the agency, the lack of data is specifically cited as a weakness. While several of the studies referenced use the simulation method as an alternative to the data analysis, the agency is adopting this method despite the inability of the method to accurately represent on-road performance in terms of crash data. In almost every case, the lack of adequate and appropriate data is a major and insurmountable stumbling block to completing a comprehensive and credible study. Advocates has no confidence that the agency can proceed along these lines and produce a viable and credible work product.

C. Other Study Areas

Advocates has focused on the safety desk scan and study plan for the bulk of these comments. Our review of the desk scans and study plans in the other four Study subject areas has identified similar shortcomings that are in line with those discussed above in the safety subject area. Prominent among the issues is the recurring theme that an abbreviated timeline has resulted in limited analyses that rely on biased and questionable data and non-conventional analytic methodology. Examples of this issue and others from the other subject area desk scans and study plans are presented below.

C.1 *Bridge Study Area*

Study Plan

Time Constraints:

The bridge study plan indicates that the Study will only examine approximately 500 bridges, representing the 20 most common bridge types being operating in 4 regions. At the second public outreach session, the bridge study team indicated the sample of bridges would only include 400 bridges, which accounts for only two-thirds of one percent of the more than 600,000 bridges presently included in the National Bridge Inventory (NBI). In discussing the choice of four sample regions, the bridge study plan states directly that the scope and duration of the study imposes "inherent limitations" in the study.[22] It is likely that these limitations are the reason why the study team reduced the sample of bridges to represent the country, is using only three regions, and is examining only 13 representative bridge types.

[22] Bridge Structure Comparative Analysis: Final Draft Project Plan / Schedule, Comprehensive Truck Size and Weight Limits Study, FHWA, November 2013, (Bridge Study Plan), p. 2.

In discussing the selection of a cost allocation method for the analysis of the bridge related cost impacts of heavier / longer vehicles, the study plan clearly states that the Study is unable to use the accepted Federal Method, which is the most prevalent method used in the United States for the past decade, because "[t]he project schedule is not conducive to" obtaining the data necessary to execute this method.

In discussing one of the sub-studies of the report, the study plan makes the following statement:

> The scope and, in particular, schedule for this Study will not support exhaustive fatigue analysis of numerous actual bridges, and it is felt that the analysis of only a handful of bridges would not be definitive. Consequently, the character of this important sub-study area will be to adhere to a generalized assessment of fatigue effects. A recommendation for further study on a much larger scale, including perhaps the analysis of a more detailed analysis of a large number of specific, real bridges.[23]

This statement makes clear the impact and constraints that the study timeline is having on the ability of the FHWA to gather and analyze the appropriate types and quantities of data in order to render a comprehensive and accurate Study result. The agency statement is an acknowledgement that the time limitations imposed on the agency, and the abbreviated schedule, has necessitate shortcuts and work-arounds that compromise the quality of the bridge analysis and, by extension, the other topic areas, including safety, in the Study.

Limitations of the Study Plan

The bridge study plan indicates that the bridge analysis will be limited to the bridges located "on three 'highway scenarios': 1) the Interstate system; 2) Primary Arterials; and 3) all other highways comprising the NHS and/or the National Truck Network."[24] This limitation in the planned analysis leaves out the impacts which increased vehicle size / weight will have on bridges on local roads which will undoubtedly be used by the heavier and longer vehicles in accessing the major highway systems. Advocates strongly objects to this glaring omission which will both violate standard research practice, but will also artificially reduce the expected costs associated with use of the proposed alternative vehicle configurations.

Similarly, the bridge study plan includes no discussion of how it will attempt to account for the practice of vehicle / axle overloading, a real-world behavior engaged in by a substantial portion of the existing motor carrier fleet. Considering the significant effect

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[23] Bridge Study Plan, p. 12.
[24] *Id.*, p. 1.

which increased vehicle and / or axle loads can have on estimates of damage to roads and bridges, it is critically important that the study include estimates for these impacts for both the existing fleet and for the larger or heavier vehicles that could potentially be included in a future fleet. Advocates also challenges the working assumption that, in the future, all vehicle configurations being studied will operate within the limits of future truck size and weight regulations. This unjustified assumption is at odds with real-world experience and underestimates the impact of permitting larger / heavier vehicles which will most certainly be subject to the same levels of non-compliance behavior that currently occur in the existing fleet. Advocates recommends that the bridge study team consider the consequences that , for example, a 10% overload under current regulations has on costs associated with bridge wear, structural deficiencies, and diminished life-cycle, compared to the impact of that same 10% overload would have under a regime permitting higher weight limits. As noted in studies of pavement damage, "the relationship between axle weight and pavement damage is not linear, but exponential. A single axle loaded to 40,000 lbs (twice the legal load) causes 16 times more damage than a single axle legally loaded to 20,000 lbs."[25] The bridge study must account for the real-world behavior and weight violations that are endemic in the trucking industry and that frequently result in exceeding vehicle and axle weights in its analysis of potential future vehicle configurations that would operate at higher vehicle weights than are currently permitted.

Reliance on Other Study Teams:

One of the items which Advocates is pleased to see in the study plan is the bridge study team's stated intention to rely on the other study groups, like the modal shift study team and the compliance and enforcement study teams, to source data which will be used in the bridge analysis. This is a clear example of the kind of delegation of specific study area tasks which will benefit the safety analysis by reducing the workload on the safety team. Placing study area tasks in the hands of the specific study area teams ensures that the data is being examined appropriately, that analysis of similar data topics are being handled in a uniform manner, and may well free up precious time to focus on the study area related work. In the case of safety, the safety team should focus on the analysis of crash data rather than compliance and enforcement data.

Desk Scan

While the bridge desk scan generally contains informative analysis of cited works which will be used to support the study plan, there are several instances where the study team's choice to include a document or statements in the description of the document raise concerns.

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[25] Legal Load Limits, Overweight Loads and Pavement and Bridges, Washington State Department of Transportation (June, 2006).

In its discussion of the "Design Guide for Bridges for Service Life", the bridge team mentions that "[i]n developing our bridge cost allocation method, we utilized a deterioration model based on our own experience and observations collected while inspecting thousands of bridges in the Northeast Region of the United States."[26] Advocates is concerned that unless this one-off deterioration model is adequately documented, and its results can be compared with current generally accepted and used deterioration models, the analysis will not be acceptable.

Advocates concerns in this regard are bolstered by statements made by the study team in discussing the literature reviewed in support of the cost-allocation portion of the study. Specifically, the study team notes that "[t]he majority of the Federal HCAS [Highway Cost Allocation Study] reports conducted by each state follow the Federal HCAS method recommended in 2003with some modifications. The exception would be the Washington D.C., District DOT Truck Size & Weight Study, 2010 conducted by CDM Smith will be used as a basis of this study."[27] Advocates objects to the Study using a non-traditional cost allocation method and is very concerned that the Study contractor has influenced this decision. The Study must include comparative cost allocation methodologies using both the Federal HCAS and the proposed alternative District DOT HCAS.

Perhaps the most alarming aspect of the bridge desk scan is the inclusion of the reference to a document entitled "Impact and Analysis of Higher Vehicle Weight Limits on Minnesota Interstate System." The desk scan then goes on to cite this document by attributing it to the Minnesota DOT. However, the hyperlink provided in the desk scan directs the user to a document hosted on the website of an advocacy group, the Coalition for Transportation Productivity, which promotes and endorses higher truck weights. While the document in question does appear to include the Minnesota DOT logo, the document cannot be found on the Minnesota DOT website. Moreover, this document is an advocacy document used for lobbying purposes and, as such, is an inappropriate citation in the desk scan literature review of what is supposed to be an unbiased scientific study. Even though the original Minnesota DOT study is also cited, the FHWA desk scan repeats verbatim the introductory paragraphs of the advocacy document at considerable length, yet glosses the actual study in just four lines without including any details on the study findings. Advocates is outraged and at this blatant exhibition of the study team's bias and readiness to rely on the characterizations of advocacy documents used in lobbying for heavier truck configurations than performing its own critical review of the underlying source document.

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[26] Bridge Structure Comparative Analysis: Final Draft Desk Scan, Comprehensive Truck Size and Weight Limits Study (Bridge Desk Scan), p. 10, FHWA (Nov., 2013).
[27] *Id.*, p. 18.

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C.2 *Enforcement and Compliance Study Area*

Study Plan

The Enforcement and Compliance study plan suffers from some of the same problems previously noted in the safety and bridge study plans; namely concerns regarding reliance on biased sources of data, and a failure to present complete information to the public. Information from outside Organizations:

Advocates is concerned that the study team for enforcement and compliance states that they will seek input from the representatives of the trucking industry itself for input on the enforcement program effectiveness. While Advocates understands the intent of this process in general in terms of sampling the experience of those subject to the regulations, the list of representatives to be sought out include organizations (ATA and state ATAs) and specific carriers (Wal-Mart, FedEx, ConWay) that have endorsed and vigorously advocate for increased truck size and weight limits.

Similarly, the list of International Experts which the study team will seek input includes a number of individuals who have conducted research or personally advocate for increases in trucks size and weight limits. For example, Mr. Bob Pearson, as explained on his company's website, "played a crucial role in [B-double] introduction and is referred to as the "father of the B-double".[28] Mr. Pearson includes at the top of his list of projects a "Review of B-double length, leading to an increase to 26 metres."[29] The compliance study plan presents no explanation as to why the individuals identified in the plan are qualified to present information that may be prejudicial and influence the overall study, let alone present any qualifications for these individuals regarding their experience in compliance and enforcement issues.

Noticeably absent from the list of organizations and individuals to be contacted for input are safety organizations, individuals and organizations representing people injured by large trucks, and CMV drivers represented by organized labor. These organizations and individuals would provide an important perspective on the impacts which larger trucks and the associated compliance and enforcement problems will have on other road users, namely the public.

Approach for Estimating Enforcement Costs and Effectiveness:

Similar to the safety study plan, the enforcement and compliance study plan state clearly that the lack of data is also an issue in this analysis.

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[28] B-Doubles: The First Decade in Australia, from PTRC website http://www.ptrc.com.au/page/b_doubles_the_first_decade.html, accessed on 1/17/2014.

[29] Clients and projects, from PRTC website http://www.ptrc.com.au/page/clients_and_projects.html, accessed on 1/17/2014.

> It is acknowledged that a comprehensive, representative understanding of enforcement costs and effectiveness will be limited by the availability of reliable data.[30]

Likewise, Advocates is concerned that in the proposed three-tiered analysis approach intended to compensate for the lack of adequate data, the study plan mentions supplementing readily-available data sources with "data gathered from industry stakeholders."[31] Again, this indicates the intent of the study contractors to use unreliable, voluntarily supplied data from parties with an economic self-interest in the study subject matter and outcome. Considering the questionable list of industry stakeholders discussed earlier, this statement regarding data sources underscores the potential bias of the exercise.

Advocates also questions the validity of the proposed "severity measure" for estimating compliance. The study plan explains that the "severity measure will be calculated as the average weight of all the over-weight observations and then how much this average exceeds the limit."[32] The compliance study team should confer with the pavement and bridge analysis teams to determine if this is an accurate method for determining 'severity." As noted earlier, damage to roads and bridges is exponentially linked with loading, and as such, using a simple average severely underestimate the "severity" and consequences of non-compliance.

Estimating Cost of Enforcement:

Advocates is concerned with another statement made by the study team regarding state enforcement capabilities.

> In order to avoid highlighting states that may overstate their program capabilities and, on the other hand, may be in need of implementing improvements in their enforcement programs, findings will be consolidated on a national, regional or, in some cases, corridor basis.[33]

The study plan provides an incomplete explanation why it would not be in the public interest to have a clear understanding of the present capabilities or needs of state enforcement programs. Such details are important in determining the current capacity of state compliance and enforcement efforts, and even more so in considering the future effectiveness of these programs to maintain compliance with any proposed changes to truck size and weight limits. The study team needs to provide better detail on why such a masking of information is necessary and how this decision will affect the presentation of

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[30] Compliance Comparative Analysis: Final Draft Project Plan / Schedule, Comprehensive Truck Size and Weight Limits Study, (Compliance Study Plan), p. 8, FHWA (Nov., 2013).
[31] *Id.*, p. 8.
[32] *Id.*, p. 9.
[33] *Id.*, p. 11.

important facts about current and future enforcement capabilities. In addition, Advocates notes that the study plan indicates that data and information provided by state authorities may be self-serving and unreliable, but appends no such caveat to the use of voluntarily submitted industry data.

Estimating Effectiveness of Enforcement:

Advocates is concerned with the study plan's indication that the analysis will narrowly focus on violations generally limited to size and weight. As noted in the discussion of the safety plan, the Study would also benefit from an analysis of vehicle and driver operations related violations that are highly correlated with size and weight violations, and may help predict the issues that may be exacerbated by increases in truck size and weight. For example, the safety team may need information on the occurrence of brake-related violations that could be related to vehicle dynamic performance. While Advocates is pleased that the enforcement and compliance study plan mentions working with teams from the other study areas, the enforcement and compliance study plan does not include a description of the analyses which would logically be expected to assist, and may be requested by, members of the other study teams, such as the safety study team.

Additionally, Advocates is concerned with the study plan's vague reference to "relevant states [which] will be selected to gain more detailed analysis of these relationships."[34] The study plan fails to elaborate on the method for selecting these states, or indicate any limitations this sample of states would have in terms of being statistically representative of the national experience. Similar to the numerous other complaints regarding the lack of detail in the study plans, Advocates is concerned that the compliance study plan leaves far too many important decisions and details to the internal study process out of the reach of either the TRB Committee's review or disclosure for public notice and comment.

C.3 *Modal Shift Study Area*
Study Plan

In the modal shift study plan there are several assumptions and methodologies which raise concerns, first among these is the reliance on decades old data. In the section of the study plan describing how payload factors will be estimated, the plan indicates it will rely on data from the Vehicle Inventory and Use Survey (VIUS) which was discontinued in 2002. Advocates agrees that some information from the study may be unaffected by the passage of time since, in the intervening years, there has not been major changes in truck size and weight limits. However it is not be reasonable to assume that economic and market changes, including the 2008-10 recession, during that same decade have had no impact whatever on payload data and information (typical payload weight, commodities carrier, commodity density) collected years ago.

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[34] *Id.*, p. 12.

The modal shift analysis also includes the questionable assumption that freight modes other than trucking, such as rail, would be able to reduce rates sufficiently to prevent a shift of tonnage from rail to truck. Unverified assumptions about the degree of modal shift that will result from increases in truck size and weight limits will lead to a gross underestimation of the amount of freight that will be diverted onto the nation's highways as shippers seeks to cut transportation-related costs. In turn, the assumption will also result in an underestimation of the number of trucks on the road under the scenarios and configurations being studied.

The study plan also includes no basis for the proposed assumption that freight tonnage carried on vehicles operating below the 80,000 lb limit would not be included in estimates for modal shift. In the example given in the study plan, the study plan posits that freight carried on a 5-axle tractor-semitrailer with a gross vehicle weight rating (GVWR) of 50,000 lb would not be considered for mode shift. Advocates disagrees and is concerned that this faulty assumption ignores one of the adverse industry and societal impacts which may result from the proposed changes to truck size and weight limits, namely inter-modal shift within the trucking industry. It is not unreasonable to expect that, due to economies of scale, smaller, independent trucking operations that operate within the current size and weight limits will be forced to compete with larger, better capitalized carriers or lose freight contracts. In order to compete, small carriers will be forced to purchase new equipment that meets the increased size / weight limits or operate illegally above those limits. Carriers that do not currently operate at or exceed the existing weight limits may be forced to do so or, at least, may be forced to carry higher weight payloads than they do at the present time. Even this will have impacts on highway pavement and bridge structures as the overall general or average weight of loads increases in response to a policy change in maximum Federal size and especially weight limits. The effects of changes in truck size and weights on the distribution of freight among the participants in the industry is a serious concern that must be considered by the study.

The modal shift analysis provides no explanation or indication that the study would address projected increases in freight demand in the future. Indeed, it has been stated that the Study will not consider future freight activity despite the fact that the FHWA data predicts that freight tonnage will increase by as much as 62% by 2040.[35] The trucking mode alone is expected to see the largest increase at 66%. The agency's "no forecasting" policy is arbitrary and capricious and completely without merit. It is a serious flaw that will result in misleading and inaccurate estimates of truck registrations in future years in response to increases in freight volume. Elimination of any analysis of future estimated growth in freight transportation is a blatant attempt to provide an idealized but inaccurate analysis of the impact of truck size and weight limit increases. The predicted future expansion of truck freight tonnage must also be included in the modal shift analysis in

[35] Weight of Shipments by Transportation Mode : 2007, 2011, and 2040; Facts and Figures 2012, available at http://ops.fhwa.dot.gov/freight/freight_analysis/nat_freight_stats/docs/12factsfigures/table2_1.htm.

order to provide a true and accurate evaluation of the near- and long-term results should any of the truck configurations under consideration in the Study be adopted. Policymakers cannot properly assess the wisdom of a decision if the Study produces only a static, two dimensional analysis that provides no understanding of the future impact of changing existing truck size and weight limits. Advocates views this as a critical, if not fatal, shortcoming of the study plan and, ultimately, of the Study itself.

Finally, as the modal shift analysis places heavy emphasis on evaluating shipping costs, it is important for the modal shift study team to coordinate with teams from other study areas to ensure that assumption about costs and other factors is correctly handled in the analyses performed in other subject matter areas . For example, it is not clear from the modal shift study plan that any accounting has been made for the increase in crash costs associated with increases in truck size and weight limits. Specifically, research shows that crashes involving trucks with multiple trailers have an average cost nearly three times that of crashes involving trucks with only a single trailer.[36] Failure to coordinate with other study teams, and overlooking this and other transportation costs associated with larger / heavier trucks, will severely and improperly underestimate the impact which larger, heavier vehicles will have.

Desk Scan

Advocates is again concerned with the re-appearance in the modal shift desk scan of the NCHRP Report 671, Review of Canadian Experience with the Regulation of Large Commercial Motor Vehicles. This report appears as the only cited work in the section discussing international studies. As noted earlier, this document provides an unabashed endorsement of higher truck size and weight limits and is being used as an advocacy document. The modal shift team's selection of quotes from the study also raise the specter of bias and a lack of impartiality when the discussion concludes with a quote that clearly indicates a predisposition toward favoring increased truck size and weight limits that have been adopted elsewhere.

> The Canadian experience points to the simultaneous achievements of productivity, safety and environmental effects—aspects that are sometimes viewed as trade-offs[37]

Furthermore, it is questionable as to why the study team included the description of NCHRP 671 at all since the reference to the document contains no explanation of how the NCHRP report relates to the modal shift analysis .

In a section of the desk scan discussing a selection of the methodology for the analysis, the study team makes the following statement regarding the methods they have selected:

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[36] Unit Costs of Medium and Heavy Truck Crashes, FMCSA, Mar. 2007, FMCSA-RR-07-034.
[37] NCHRP Report 671, Woodrooffe, J., R. J. Billing, *et al.* (2010). Review of Canadian Experience with Regulation of Large Commercial Motor Vehicles. Washington, DC, TRB.

> On the other hand, developing an entirely new logistics model or trying to modify an existing model with which the team is unfamiliar would appear to be infeasible given the short time for completing the CTSW Study.[38]

This statement calls into question whether the study team is forced to use an inadequate existing model due to time constraints that prohibit developing an appropriate model for modal shift analysis. This concern is further support by the following statement also made by the study team regarding the model selected for the analysis:

> While [the ITIC model] has not been used in previous studies to estimate modal shifts of short haul and LTL traffic, the structure of ITIC is flexible enough to analyze those types of traffic as well.[39]

Advocates has repeatedly questioned the use of non-conventional models and methods throughout the Study, which often appear to be the result of an artificially abbreviated timeline for the completion of the Study. Furthermore, without a description by the study team of the comparative shortcomings of the available model, and the capabilities of an optimal model for the analysis, the public is left to question the quality of the team's analysis.

Advocates was pleased to see the study team acknowledge the importance of data. The analysis of potential modal shifts associated with truck size and weight policy changes is only as good as the data upon which it is based.[40] However, the study team went on to state:

> While disaggregating the FAF to a county level enhances the analysis of potential truck size and weight policy options by allowing impacts of limiting certain vehicle configurations to particular highway networks to be assessed, it is important to recognize that uncertainties exist in the disaggregation process.[41]

Despite this statement, the modal shift study plan clearly indicates that disaggregated FAF data will be the source of the commodity flow data for the study. The study team however does not appear to have presented any description of how the "uncertainties" in the disaggregation process will be accounted for in the analysis.

Advocates also questions the decision of the study team to make use of the Environmental Protection Agency's (EPA) Greenhouse Gas Emission Model (GEM) to examine the fuel consumption, air quality, and environmental impacts of changes in truck

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[38] Modal Shift Analysis: Final Draft Desk Scan, Comprehensive Truck Size and Weight Limits Study (Modal Shift Desk Scan), p. 30, FHWA (Nov., 2013).
[39] *Id.*, p.30.
[40] *Id.*
[41] *Id.*

size and weight as described in the study plan. Specifically, Advocates is concerned with the use of this model since the desk scan states:

> While the GEM model can estimate fuel consumption based on detailed characteristics of a truck tractor, it does not estimate the effects on fuel consumption of trailer characteristics such as weight, aerodynamic drag, and the rolling resistance of tires. Bachman et. al. cite a U.S. Department of Energy (DOE) report that indicates, "At a steady speed of 65 miles per hour on a flat road, aerodynamic drag and rolling resistance account for 21 percent and 13 percent, respectively, of the total energy used by a class 8 heavy-duty tractor."[42]

Advocates fails to comprehend how a model which does not take into account the weight of a trailer could be proposed for analysis in a study which is focused on the weight limits. Once again, as we have found throughout this review of the Study documents, the study team is proposing the use of an inappropriate, suboptimal method of analysis that will not yield accurate results.

C.4 *Pavement Study Area*
Study Plan

Advocates is concerned that the pavement study plan, like the study plans presented in the other subject matter areas, contains a number of vague descriptions of assumptions and adjustments to methods that are unexplained. One statement in particular deals with the apparent exclusion of user costs from the estimates being calculated:

> Highway agency costs will be focused on meaning [sic] that the detailed temporal variation of traffic, capacity analysis, or value-of-time parameters needed for complete analysis of user costs will not be included.[43]

The exclusion of user costs as they relate to damage to pavement induced by large trucks will understate the overall cost of changes to truck size and weight limits. No detailed explanation is provided to support this decision, and as such the public is once again left with almost no information on which to evaluate the proposed method.

The pavement study plan also includes description of a number of different types of data, like traffic flows, which appear to be very similar to data being used in other study subject matter areas. The Study team as a whole should present the public with a clear description of how analyses of similar datasets in the different subject matter areas will be coordinated to ensure uniformity in analysis and results. Advocates questions why, in light of the fact that almost all of the study teams have indicated that time constraints are

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[42] *Id.*, p. 43 (internal citations omitted).
[43] Pavement Comparative Analysis: Final Draft Project Plan / Schedule, Comprehensive Truck Size and Weight Limits Study (Pavement Study Plan), p. 7, FHWA (Nov., 2013).

limiting their analyses, each team appears to be reexamining some data sets independently, wasting valuable study time.

Desk Scan

The pavement desk scan contains yet another reference by the study team to the lack of sufficient time available to conduct the Study. In discussing the paper Investigation of the Effects of Routine Overweight Truck Traffic on SH4/48, the study team includes the following statement:

> The study could be used to check consistency of their findings with the revised AASHTOWare Pavement ME Design® model, but we do not have enough calendar time and did not propose enough effort to second-guess the models incorporated in AASHTOWare Pavement ME Design®.[44]

This statement indicates that the study team believes they need additional time to verify the applicability of the proposed software model. These statements are cause for concern in light of the numerous other occurrences regarding insufficient data, modification and use of non-traditional methods, and repeated references to the lack of sufficient time to conduct optimal analyses that have been found in other study plans and desk scans.

The desk scan also includes a discussion of wide based tires (WBT), which further alludes to the imact which the Study schedule is having on the completeness of the Study. Specifically, the desk scan states:

> Although moving from narrow dual tires to single wide base tires (WBT) does create the potential for exacerbating certain distresses such as top-down fatigue cracking, thermal cracking, and other durability distresses, the model AASHTOWare Pavement ME Design® currently handles only dual tires.[45]

Immediately after this acknowledgement that the model being used in the study cannot address the type of tire which the trucking industry is shifting towards, and despite the numbers of papers cited in the desk scan indicating the increased level of damage which results from WBT, the desk scan repeats the concern about the Study's time limitations:

> Analysis of the relative effects of WBT would have to be done outside Pavement ME using a mechanistic model. Such analysis requires a greater research effort and time than is available for this CTSW Study.[46]

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[44] Pavement Comparative Analysis: Final Draft Desk Scan, Comprehensive Truck Size and Weight Limits Study (Pavement Desk Scan), p. 6, FHWA (Nov., 2013).
[45] Id., p. 19.
[46] Pavement Desk Scan, p. 19.

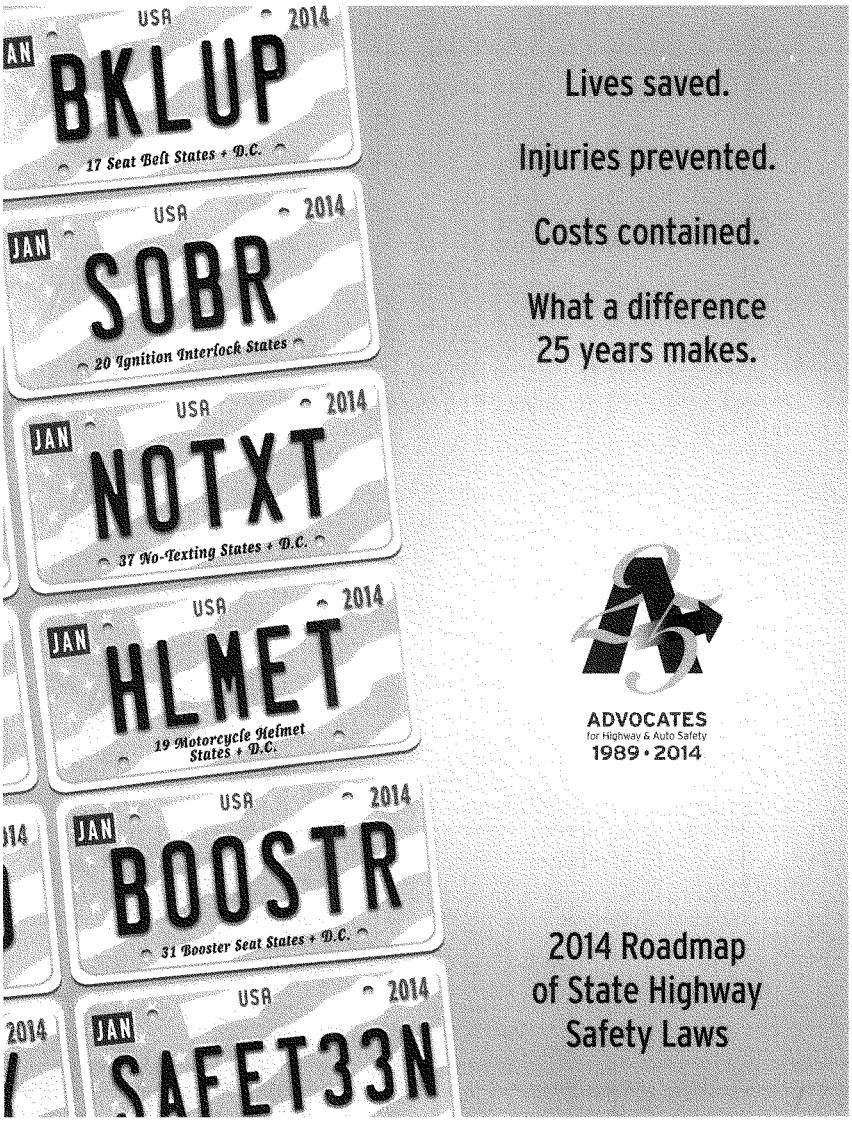
In fact, the desk scan contains no less than five references to the lack of adequate time available to properly check and verify the proposed analysis model.

Conclusion

Advocates reiterates that our review of the study plans and desk scans reveal serious problems and deficiencies in the performance and execution of the Study. The plans and decisions in many facets of the study indicate a clear bias and predisposition to favor an outcome that supports the viability of the longer and heavier truck configurations that are the subject of the Study. Unless the conduct of the Study radically changes course these problems are insurmountable and will lead Advocates to oppose the Study.

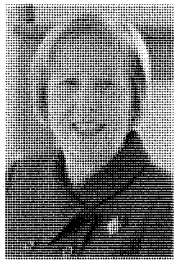
Henry Jasny
Vice President & General Counsel

Shaun Kildare
Research Director


USA
2014
JAN
BKLUP
17 Seat Belt States + D.C.
USA
2014
JAN
SOBR
20 Ignition Interlock States
USA
2014
JAN
NOTXT
37 No-Texting States + D.C.
USA
2014
JAN
HLMET
19 Motorcycle Helmet States + D.C.
USA
2014
JAN
BOOSTR
31 Booster Seat States + D.C.
USA
2014
JAN
SAFET33N
Lives saved.
Injuries prevented.
Costs contained.
What a difference 25 years makes.
ADVOCATES
for Highway & Auto Safety
1989 • 2014
2014 Roadmap of State Highway Safety Laws

11TH ANNUAL ROADMAP OF STATE HIGHWAY SAFETY LAWS

A 25 YEAR RETROSPECT: LIVES SAVED, INJURIES PREVENTED, COSTS CONTAINED BUT MORE WORK STILL TO BE DONE



This year, Advocates for Highway and Auto Safety (Advocates) reaches a major milestone as we celebrate our 25th Anniversary of advancing state and federal safety laws and programs. Since our founding in 1989 by consumer, health and safety and insurance industry leaders, our coalition has successfully fought for safer cars, safer drivers and safer roads. Advocates represents a true success story of uncommon partners who have come together to pursue a common lifesaving goal. As we look back on the safety advances achieved during the last quarter century, it is an excellent opportunity to look forward at the unfinished safety agenda.

After six consecutive years of declining fatalities on our nation's roads, traffic deaths increased in 2012 to 33,561 fatalities. This alarming shift is a stark reminder that states must continue to pass and enforce strong, comprehensive highway safety laws. The *2014 Roadmap of State Highway Safety Laws* provides a guide for state elected officials on what laws their states are lacking and where action is needed.

The critical importance of these laws is clear. Looking back to 1989, over 45,000 people were killed and more than three million were injured in motor vehicle crashes. Vehicles lacked essential safety features like air bags and states lacked effective traffic safety laws. For example, 25 years ago only six states had a primary enforcement seat belt law. Today, 33 states and DC have a primary enforcement seat belt law covering front seat passengers, and in 2012, more than 12,000 lives were saved because of seat belt use. The progress we have made in achieving a 26 percent fatality reduction from 1989 shows that when states take action to enact and enforce optimal traffic safety laws, lives are saved, injuries are reduced, and costs to society are contained.

Despite the significant progress made over the past 25 years, there is still not a single state that has all of Advocates' 15 recommended safety laws. For the past 11 years, the *Roadmap Reports* have highlighted the dangerous safety gaps that exist in state laws. Yet, some state legislatures still are not passing laws that improve public safety, and even worse, some are passing laws to rollback safety. During the 2013 legislative session, 19 bills to repeal existing all-rider motorcycle helmet laws were introduced in 11 states while only three state legislatures introduced all-rider helmet bills. Meanwhile, motorcycle rider deaths continue to climb to record numbers and studies continue to show that without laws, helmet use is low and fatalities are high -- there were 10 times as many unhelmeted motorcyclist fatalities in states without all-rider helmet laws as in states with all-rider helmet laws.

Looking to the future Advocates will continue to vigorously work with elected leaders, health and safety groups, crash victims and survivors, and insurers to promote passage of these lifesaving laws. Twenty-five years later our nation's highway death and injnry toll is still unnecessary and state inaction is still unacceptable.

Jacqueline S. Gillan

Jacqueline S. Gillan, President

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STATES AT A GLANCE

GLOSSARY OF ACRONYMS

AAA - American Automobile Association

Advocates - Advocates for Highway and Auto Safety

BAC - Blood Alcohol Concentration

CDC - Centers for Disease Control and Prevention

DC - District of Columbia

DUI - Driving Under the Influence

DWI - Driving While Intoxicated

FARS- Fatality Analysis Reporting System

GAO - Government Accountability Office

GDL - Graduated Driver Licensing

IID- Ignition Interlock Device

IIHS- Insurance Institute for Highway Safety

MADD - Mothers Against Drunk Driving

NHTSA - National Highway Traffic Safety Administration

NTSB - National Transportation Safety Board

SADD - Students Against Destructive Decisions

U.S. DOT - United States Department of Transportation

URGENT ACTION NEEDED TO IMPROVE HIGHWAY SAFETY

The Problem

Driving an automobile is an American way of life. With over 4 million miles of roadway, Americans are afforded a significant degree of mobility. Yet this increased access offered by our nation's highway system comes with an enormous social cost – over 5.5 million crashes annually resulting in more than 33,000 fatalities on average and 2.3 million injuries, at an economic cost to society in excess of $230 billion. Every day over 90 people are killed on America's streets and highways, and almost 6,500 are injured. While federal action and safety requirements can address part of the problem, state laws have a direct effect on promoting safer behavior by drivers and occupants. Unfortunately, too many state legislatures are not taking proactive steps to reduce these numbers by enacting effective and proven highway safety laws.

Key Facts About This Leading Public Health Epidemic:

- 33,561 people were killed in motor vehicle crashes in 2012—an increase of 3.3% from 2011. This is the first annual increase in motor vehicle fatalities after six consecutive years of decline. Automobile crashes remain the leading cause of death for Americans between the ages of five and 24.
- An estimated 2.36 million people were injured in motor vehicle crashes in 2012.
- In 2012, more than half (52%) of passenger vehicle occupants killed were unrestrained.
- Crashes involving teen drivers resulted in 4,640 total fatalities in 2012.
- A total of 4,957 motorcyclists died in 2012, an increase from 2011. This death toll accounts for 15% of all fatalities.
- 1,168 children ages 14 and younger were killed in motor vehicle crashes in 2012.
- 291 children ages four through seven were killed in motor vehicle crashes in 2012.
- More than 3.5 million people have been killed in motor vehicle crashes in the U.S. since 1899.
- The more than 5.5 million police-reported motor vehicle crashes in 2012 cost our nation in excess of $230 billion in property and productivity losses, medical and emergency bills and other related costs. This adds up to a "crash tax" of *$730* for every person, every year.
- **An additional 333 new laws need to be adopted in all states and DC to fully meet Advocates' recommendations for basic safety laws.**

25 YEARS OF ADVOCATES IN ACTION

ADVOCATES
for Highway & Auto Safety
1989 • 2014

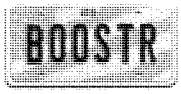
Advocates for Highway and Auto Safety was founded in 1989 by executives of the major property and casualty insurance companies and prominent consumer and safety leaders. Over the past 25 years, Advocates has been a strong leader in encouraging the adoption of federal and state laws, policies and programs that prevent motor vehicle crashes, save lives, reduce injuries, and contain costs. As Advocates celebrates 25 years, it is important to look back on the progress made in the states in adopting our recommended optimal laws. Yet, the need to close dangerous gaps in state traffic safety laws is clear, as are the deadly consequences of states repealing lifesaving laws.

Primary Enforcement Seat Belt Laws (Front)
1989: 6 *2014: 33+DC*
Primary Enforcement Seat Belt Laws (Rear)
1989: 0 *2014: 17+DC*

Ignition Interlock Devices Required for All-Offenders
1989: 0 *2014: 20*

All-Driver Text Messaging Restrictions
1989: 0 *2014: 37+DC*

All-Rider Motorcycle Helmet Laws
1989: 22+DC *2014: 19+DC*



Booster Seat Laws
1989: 0 *2014: 31+DC*

Graduated Driver Licensing Provisions
1989: At least 1 in 1 state *2014: 183 in all 50 states + DC*

SAFETY LAWS REDUCE CRASH COSTS

Motor vehicle crashes impose a significant financial burden on society. According to the National Highway Traffic Safety Administration (NHTSA), the total economic cost of motor vehicle crashes in 2000 was more than $230 billion. Based on this, every person pays an annual "crash tax" of $730.

Motor vehicle crashes in the year 2000:

- Resulted in $81.2 billion in lost workplace and household productivity;
- Created $32.6 billion in present and future medical costs;
- Totaled $59 billion in property damage costs;
- Amounted to $57 billion in other costs; and,
- Cost each critically injured survivor an average of $1.1 million.

A more recent 2011 American Automobile Association (AAA) study reported that the annual cost of motor vehicle crashes in urbanized areas alone was nearly $300 billion. According to a study by the Centers for Disease Control and Prevention (CDC), in a one-year period (2005), the cost of medical care and productivity losses alone associated with injuries from motor vehicle crashes exceeded $99 billion.

Annual Economic Cost of Motor Vehicle Crashes to States*

STATE	(Billions $)	STATE	(Billions $)
AL	$2.788	MT	$.621
AK	$.475	NE	$1.629
AZ	$4.272	NV	$1.873
AR	$1.965	NH	$1.014
CA	$20.655	NJ	$9.336
CO	$3.278	NM	$1.413
CT	$3.596	NY	$19.490
DE	$.706	NC	$8.270
DC	$.732	ND	$.290
FL	$14.403	OH	$11.090
GA	$7.850	OK	$2.593
HI	$.655	OR	$1.948
ID	$.856	PA	$8.170
IL	$8.984	RI	$.767
IN	$4.346	SC	$3.335
IA	$2.105	SD	$.498
KS	$1.884	TN	$4.628
KY	$3.114	TX	$19.761
LA	$4.000	UT	$1.594
ME	$.912	VT	$.221
MD	$4.237	VA	$5.203
MA	$6.276	WA	$5.310
MI	$8.069	WV	$1.268
MN	$3.065	WI	$3.756
MS	$2.106	WY	$.424
MO	$4.737	Total	**$230.568**

Source: The Economic Impact of Motor Vehicle Crashes, 2000, NHTSA (2002).
*The report has not been updated.

LEGISLATIVE ACTIVITY IN 2013

In 2013, there were merely ten laws passed in eight states that meet the criteria for this report. While there was other legislative activity throughout the states, for purposes of this report we are only considering those laws that meet the optimal law criteria, as defined on pages 11 and 12. Any other laws, including those that are secondary enforcement or do not otherwise meet the optimal law criteria, are not included in the legislative activity summary below.

Highway Safety Laws Enacted 2013, in All State Legislatures

Primary Enforcement of Seat Belts: West Virginia (front); Hawaii (rear)

All-Rider Motorcycle Helmet Laws: None adopted, but none repealed

Booster Seats (children ages 4 through 7): None

Graduated Driver Licensing (GDL): Hawaii, Maryland, Utah (cell phone restriction); Texas (supervised driving requirement)

Impaired Driving: Maine, Tennessee (ignition interlock devices for all offenders)

All-Driver Text Messaging Restriction: Hawaii, Virginia

States are failing to close important safety gaps because they have not adopted the lifesaving safety laws listed below. While several highway safety laws have been enacted during the last few years, many considered to be fundamental to highway safety are still missing in many states.

Based on Advocates' safety recommendations, states need to adopt 333 new laws:

- **17 states still need an optimal primary enforcement seat belt law for front seat passengers;**
- **33 states still need an optimal primary enforcement seat belt law for rear seat passengers;**
- **31 states still need an optimal all-rider motorcycle helmet law;**
- **19 states still need an optimal booster seat law;**
- **No state meets all the criteria of Advocates' recommended GDL program (174 laws still needed);**
- **39 states and DC are missing one or more critical impaired driving laws (46 laws still needed); and,**
- **13 states still need an optimal all-driver text messaging restriction.**

KEY THINGS TO KNOW ABOUT THIS REPORT

The Report is Divided into Five Issue Sections:

- Occupant Protection: Primary Enforcement Seat Belts for Both Front and Rear Seat Occupants and All-Rider Motorcycle Helmets
- Child Passenger Safety: Booster Seats
- Teen Driving (GDL): Minimum Age 16 for Learner's Permit; 6-Month Holding Period; 30-50 Hours Supervised Driving; Nighttime Driving Restriction; Passenger Restriction; Cell Phone Use Restriction; and Age 18 for Unrestricted License
- Impaired Driving: Ignition Interlock Devices (IIDs) for All Offenders; Child Endangerment; and Open Container
- Distracted Driving: All-Driver Text Messaging Restriction

In Advocates' judgment and experience, the 15 state laws that are listed in the five sections are essential to save lives, prevent injuries, and reduce health care and other costs. They do not comprise the entire list of effective public policy interventions states should take to reduce motor vehicle deaths and injuries. Background information about each law is provided in the respective sections throughout the report. The statistical data on crashes, fatalities and injuries are based on 2012 Fatal Analysis Reporting System (FARS) published data, except as otherwise indicated.

States are rated only on whether they have adopted a specific law, not on other aspects or measures of an effective highway safety program. **A definition of each law as used by Advocates for purposes of this report can be found on pages 11-12.**

No state can receive the highest rating (Green) without both primary enforcement seat belt laws (front and rear).

Additionally, no state that has repealed its all-rider motorcycle helmet law within the previous ten years may receive a green rating in this report.

Each issue section has a state law chart, in alphabetical order, with each state's rating. The section ratings result in an overall rating, and **overall state ratings on pages 36-37** fall into three groupings:

Green	Good—State is significantly advanced toward adopting all of Advocates' recommended optimal laws.
Yellow	Caution—State needs improvement because of gaps in Advocates' recommended optimal laws.
Red	Danger—State falls dangerously behind in adoption of Advocates' recommended optimal laws.

WHAT'S NEW IN THIS YEAR'S REPORT

- Under Occupant Protection, there has been a rating added for primary enforcement seat belt laws covering passengers in rear seating positions. This law is rated separately from the optimal primary seat belt law covering passengers in the front seats. This law is included in the Overall State Ratings, and no credit is given to laws that are subject to secondary enforcement.

- With the addition of the new rating for a primary seat belt law covering passengers in rear seating positions, the criteria for the overall rating is also changed. No state can receive an overall green rating without having *both* the primary seat belt law for front seat passengers and the primary enforcement seat belt law for rear seat passengers. Regardless of the number of other state laws, a state cannot receive a green rating without both laws.

- The rating for Mandatory Blood Alcohol Concentration (BAC) Testing under Impaired Driving has been removed.

- In the States at a Glance section, there has been a fatality count added for the years dating back to 1989, when Advocates was founded.

DEFINITIONS OF 15 LIFESAVING LAWS

Based on government and private research, crash data and state experience, Advocates has determined the traffic safety laws listed below are critical to reducing motor vehicle deaths and injuries. For the purposes of this report, states are only given credit if the state law meets the optimal safety provisions as defined below. **No credit is given for laws that fail to fully meet the criteria in this report** (although the existence of a partial law is indicated by an open circle for informational purposes only). **Also, no credit is given for laws that are subject to secondary enforcement or for GDL laws that permit an exemption based on driver education programs.**

Occupant Protection

Primary Enforcement Front Seat Belt Law - Allows law enforcement officers to stop and ticket the driver when they see a violation of the seat belt law for front seat occupants. No other violation need occur first to take action. Ratings are based on front seat occupants only. No state without this law, in addition to a primary enforcement rear seat belt law, may receive a "green" overall rating.

Primary Enforcement Rear Seat Belt Law - Requires that all occupants in the rear seat of a vehicle wear a seat belt and allows law enforcement officers to stop and ticket the driver when they see a violation of the seat belt law. No other violation need occur first to take action. No state without this law, in addition to a primary enforcement front seat belt law, may receive a "green" overall rating.

All-Rider Motorcycle Helmet Law - Requires all motorcycle riders, regardless of age, to use a helmet that meets U.S. DOT standards or face a fine. No state that has repealed its existing all-rider motorcycle helmet law in the previous ten years can achieve a "green" overall rating.

Child Passenger Safety

Booster Seat Law - Requires, at a minimum, that children ages four through seven be placed in a child restraint system (booster seat) that is certified by the manufacturer to meet U.S. DOT safety standards.

Teen Driving

GDL programs allow novice teen drivers to learn to drive under lower risk conditions, and consist of a learner's stage, then an intermediate stage, before being granted an unrestricted license. The learner's stage requires teen drivers to complete a minimum number of months of adult-supervised driving in order to move to the next phase and drive unsupervised. The intermediate stage restricts teens from driving in high-risk situations for a specified period of time before receiving an unrestricted license. Advocates rates state GDL laws on seven key safety components identified in research and data analysis:

Learner's Stage: Minimum Age 16 for Learner's Permit - A beginning teen driver is prohibited from obtaining a learner's permit until the age of 16. States have not been given credit if the law allows for a beginning driver to obtain a learner's permit before the age of 16.

Learner's Stage: Six-Month Holding Period Provision - A beginning teen driver must be supervised by an adult licensed driver at all times during the learner's stage. If the learner remains citation-free for six months, he or she may progress to the intermediate stage. States have not been given credit if the length of the holding period is less than six months, or if there is a reduction in the length of the holding period for drivers who take a driver education course.

DEFINITIONS OF 15 LIFESAVING LAWS (CONT.)

Teen Driving (cont.)

Learner's Stage: 30-50 Hours of Supervised Driving Provision - A beginning teen driver must receive at least 30-50 hours of behind-the-wheel training with an adult licensed driver during the learner's stage. States have not been given credit if the number of required supervised driving hours is less than 30, or if there is a reduction in the required number of hours of supervised driving (to less than 30 hours) for drivers who take a driver education course.

Intermediate Stage: Nighttime Driving Restriction Provision - Unsupervised driving should be prohibited from at least 10 p.m. to 5 a.m.

Intermediate Stage: Passenger Restriction Provision - This provision limits the number of teenage passengers who may legally ride with a teen driver without adult supervision. The optimal limit is no more than one non-familial teenage passenger.

Cell Phone Restriction - This restriction prohibits all use of cellular devices (hand-held, hands-free and text messaging) by beginning teen drivers, except in the case of an emergency. States are only given credit if the provision lasts for the entire duration of the GDL program (both learner's and intermediate stages).

Age 18 for Unrestricted License - A teen driver is prohibited from obtaining an unrestricted license until the age of 18, and one or both of the nighttime and passenger restrictions must last until age 18. States have not been given credit if teen drivers can obtain an unrestricted license before the age of 18.

Impaired Driving

Ignition Interlock Devices (IIDs) - This law mandates the installation of IIDs on the vehicles of all convicted drunk driving offenders. Advocates has given credit for laws that require the use of IIDs for all offenders. Some states (CO, IL and OR) have also been given credit for having laws that provide strong incentives for all offenders to use IIDs.

Child Endangerment - This law either creates a separate offense or enhances an existing penalty for an impaired driving offender who endangers a minor. No credit is given if this law applies only to drivers who are under 21 years of age.

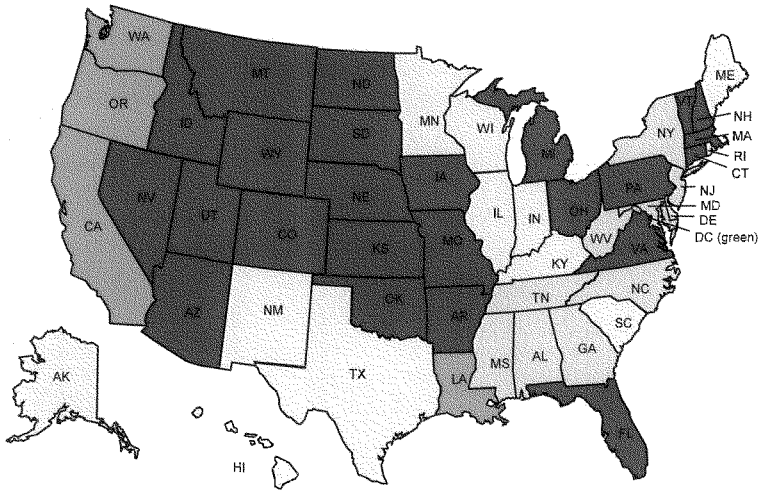
Open Container - This law prohibits open containers of alcohol in the passenger area of a motor vehicle. To comply with federal requirements, the law must: prohibit both possession of any open alcoholic beverage container and the consumption of alcohol from an open container; apply to the entire passenger area of any motor vehicle; apply to all vehicle occupants except for passengers of buses, taxi cabs, limousines or persons in the living quarters of motor homes; apply to vehicles on the shoulder of public highways; and, require primary enforcement of the law. State laws are counted in this report only if they are in compliance with the federal law and regulation.

Distracted Driving

All-Driver Text Messaging Restriction - This law prohibits all drivers from sending, receiving, or reading a text message from any handheld or electronic data communication device, except in the case of an emergency.

OCCUPANT PROTECTION

Primary Enforcement Seat Belt Laws (Front Seat)
Primary Enforcement Seat Belt Laws (Rear Seat)
All-Rider Motorcycle Helmet Laws



State has all three laws, a primary enforcement seat belt law (front), primary enforcement seat belt law (rear) and an all-rider motorcycle helmet law

State has two of the three laws, a primary enforcement seat belt law (front), primary enforcement seat belt law (rear) or an all-rider motorcycle helmet law

State has one or none of the three laws

Note: No credit is given for laws that are subject to secondary enforcement. Please refer to page 10 for law definitions. See "States at a Glance", beginning on page 38, to determine which law the yellow states lack.

PRIMARY ENFORCEMENT SEAT BELT LAWS

Seat belt use, reinforced by effective safety belt laws, is a proven lifesaver. In 2012, 21,667 occupants of passenger vehicles were killed in motor vehicle crashes. Of the passenger vehicle occupant fatalities for which restraint use was known, 52% were not wearing seat belts.

States with primary enforcement laws have higher seat belt use rates. In 2013, states with primary enforcement seat belt laws for front seat passengers had a 91% belt use rate, while states with secondary laws had an 80% belt use rate, according to NHTSA data. A study conducted by the Insurance Institute for Highway Safety (IIHS) found that when states strengthen their laws from secondary to primary enforcement, driver death rates decline by an estimated 7%. The chart below indicates the number of lives saved by seat belt use, along with the additional number of lives that could have been saved if the seat belt use rate in the state had been 100%.

Needless deaths and injuries that result from non-use of seat belts cost society an estimated $60 billion annually in medical care, lost productivity and other injury-related costs, according to a study by the Pacific Institute for Research and Evaluation. Unfortunately, as the chart below indicates, 17 states (in red) have failed to upgrade either of their belt laws to primary enforcement.

Lives Saved in 2012 vs. Lives that Could Have Been Saved by 100% Seat Belt Use—By State, Age 5 and older (NHTSA, 2013)
States in red have laws that are subject only to secondary enforcement; NH has no law.

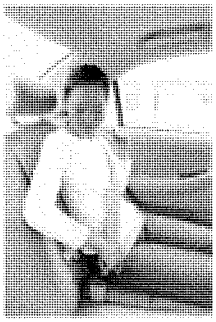
	Lives Saved	Could have been saved		Lives Saved	Could have been saved		Lives Saved	Could have been saved		Lives Saved	Could have been saved
AL	304	75	IL	346	47	MT	48	34	RI	32	13
AK	21	5	IN	316	40	NE	62	31	SC	278	61
AZ	231	90	IA	161	26	NV	90	17	SD	40	31
AR	189	108	KS	143	61	NH	25	19	TN	373	133
CA	1,194	96	KY	272	97	NJ	181	43	TX	1,479	185
CO	149	58	LA	246	101	NM	132	26	UT	68	27
CT	90	22	ME	55	20	NY	460	79	VT	19	7
DE	35	7	MD	209	35	NC	507	119	VA	276	120
DC	0	0	MA	95	50	ND	55	26	WA	176	12
FL	752	190	MI	417	50	OH	379	148	WV	91	39
GA	486	85	MN	173	21	OK	263	95	WI	230	83
HI	27	4	MS	203	82	OR	146	10	WY	55	24
ID	73	31	MO	195	111	PA	328	136			

This death toll has significant emotional and economic impacts on American families, but there are solutions at hand to address this public health epidemic—effective primary enforcement safety belt laws covering passengers in all seating positions.

All states except New Hampshire have a seat belt use law, but only 33 states and DC allow primary enforcement of their front seat belt laws. Among the states that have primary enforcement seat belt laws, only 17 and DC cover occupants in all seating positions (front and rear).

PRIMARY ENFORCEMENT SEAT BELT LAWS

- Lap-shoulder belts, when used, reduce the risk of fatal injury to front seat car occupants by 45% and the risk of moderate-to-critical injuries by 50%. For light truck occupants, seat belts reduce the risk of fatal injury by 60% and moderate-to-critical injury by 65%.
- NHTSA data shows that nationwide seat belts saved an estimated 12,174 lives age five and older of passengers in all seating positions in 2012 . An additional 3,031 lives could have been saved if all passenger vehicle occupants had worn seat belts.
- In 2011, the proportion of unrestrained passenger vehicle occupants seated in the front seat was 50%, compared to 61% of unrestrained passenger vehicle occupants seated in the rear seat, according to NHTSA data.
- The majority of passengers in the rear seats of vehicles are teens and children, and studies have shown that seat belt usage by teens is the lowest of any segment of society, according to NHTSA.
- If every state with a secondary seat belt law upgraded to primary enforcement, about 1,000 lives and $4 billion in crash costs could be saved every year, according to a NHTSA report
- The average in-patient costs for crash victims who don't use seat belts are 55% higher than for those who use them, according to NHTSA.
- Minnesota changed its seat belt law to primary enforcement in 2009 and the state's Department of Public Safety found that the seatbelt usage rate jumped to nearly 93% from 87% and unbelted deaths dropped from 150 fatalities in 2008 to 120 deaths in 2011.
- In 2009, Wisconsin upgraded its seat belt law to primary enforcement and the state's Department of Transportation determined that the seat belt use rate increased to nearly 80% in 2011, an increase of 8%.
- Opponents often assert that highway safety laws violate personal choice and individual rights. In response, the U.S. District Court of Massachusetts held in a decision affirmed by the U.S. Supreme Court that, "... from the moment of injury, society picks the person up off the highway; delivers him to a municipal hospital and municipal doctors; provides him with unemployment compensation if, after recovery, he cannot replace his lost job; and, if the injury causes disability, may assume the responsibility for his and his family's continued subsistence."
- According to a NHTSA study of the relationship between primary enforcement belt laws and minority ticketing, the share of citations for Hispanics and African Americans changed very little after states adopted primary enforcement belt laws. In fact, there were significant gains in seat belt use among all ethnic groups, none of which were proportionately greater in any minority group.



Note: Unless otherwise indicated, the occupant protection data specifically refers to front seat occupants.

ALL-RIDER MOTORCYCLE HELMET LAWS

In 2012, 4,957 motorcyclists were killed and 93,000 were injured on our nation's roads. The number of motorcycle crash fatalities has more than doubled since a low of 2,116 in 1997. NHTSA estimates that helmets saved the lives of 1,699 motorcyclists in 2012 and that 781 more lives in all states could have been saved if all motorcyclists had worn helmets. All-rider helmet laws increase motorcycle helmet use, decrease deaths and injuries and save taxpayer dollars.

States Without All-Rider Motorcycle Helmet Laws & Lives that Could Have Been Saved in 2012 by 100 Percent Helmet Use (NHTSA, 2013)								
	AK	2	ID	4	MN	16	RI	2
	AZ	27	IL	45	MT	8	SC	39
	AR	17	IN	46	NH	7	SD	8
	CO	20	IA	18	NM	15	TX	101
	CT	10	KS	13	ND	4	UT	4
	DE	2	KY	26	OH	47	WI	34
	FL	98	ME	5	OK	24	WY	4
	HI	11	MI	25	PA	39		

When crashes occur, motorcyclists need adequate head protection to prevent one of the leading causes of death and disability in America - head injuries. Studies have determined that helmets reduce head injuries without increased occurrence of spinal injuries in motorcycle trauma. According to a 2012 GAO report, "laws requiring all motorcyclists to wear helmets are the only strategy proved to be effective in reducing motorcyclist fatalities."

Today, only 19 states and DC require all motorcycle riders to use a helmet. Twenty-eight states have laws that cover only some riders (i.e., up to age 18 or 21). These age-specific laws are nearly impossible for police officers to enforce and result in much lower helmet use. **Three states (IL, IA and NH) have no motorcycle helmet use law. In 2013, there were 19 attempts in 11 states to repeal existing all-rider helmet laws.** In 2011, more than half (59%) of the fatally injured motorcycle riders were not wearing a helmet in states without all-rider helmet laws, compared to only 9% of fatally injured riders in states with an all-rider helmet law.

ALL-RIDER MOTORCYCLE HELMET LAWS

- In 2012, motorcyclists represented 14% of the total traffic fatalities, yet accounted for only 3% of all registered vehicles in the United States.
- According to NHTSA, in 2012, there were ten times as many unhelmeted fatalities (1,858) in states without a universal helmet law compared to states with a universal helmet law (178 deaths). These states were nearly equivalent with respect to total resident populations.
- The GAO estimated that in 2010 the direct measurable costs of motorcycle crashes were approximately $16 billion.
- According to IIHS, in 2011 NHTSA reported that states with all-rider helmet laws had 96% observed use of motorcycle helmets, while states without all-rider laws had a use rate of only 55%.
- Economic benefits of motorcycle helmet use laws are substantial. In states that have an all-rider helmet use law, cost savings to society were $725 per registered motorcycle, compared to savings of just $198 per registered motorcycle in states without a mandatory helmet use law, according to the Centers for Disease Control and Prevention (CDC).
- A poll conducted by Lou Harris showed that by an overwhelming majority (80%), Americans favor state laws requiring all motorcyclists to wear helmets.
- Motorcycle helmets are 69% effective in preventing brain injuries and 42% effective in preventing motorcyclist deaths.
- If Michigan had not repealed its all-rider helmet law in 2012, there would have been 26 fewer motorcycle crash deaths, a 21% reduction, that year if the helmet mandate was still in place, according to IIHS.
- According to the American Academy of Pediatrics, in states with youth-specific helmet laws, use has decreased and youth mortality has increased. Serious traumatic brain injury among young riders was 38% higher in states with only age-specific laws compared to states with all-rider helmet laws.
- There is no scientific evidence that motorcycle rider training reduces crash risk and is an adequate substitute for an all-rider helmet law. In fact, motorcycle fatalities continued to increase even after a motorcycle education and training grant program included in federal legislation took effect in 2006.

OCCUPANT PROTECTION LAWS RATING CHART

Primary Enforcement Seat Belt Laws (Front)
Primary Enforcement Seat Belt Laws (Rear)
All-Rider Motorcycle Helmet Laws

Number of new occupant protection laws since January 2013: One primary enforcement (front) (WV), One primary enforcement (rear) (HI), **NO** all-rider motorcycle helmet laws

	Primary Enforcement Seat Belt Law (Front Seat)	Primary Enforcement Seat Belt Law (Rear Seat)	All-Rider Motorcycle Helmet Law	Rating		Primary Enforcement Seat Belt Law (Front Seat)	Primary Enforcement Seat Belt Law (Rear Seat)	All-Rider Motorcycle Helmet Law	Rating
AL	●		●		MT				●
AK	●	●			NE			●	●
AZ				●	NV			●	●
AR	●			●	NH				●
CA	●	●	●	◐	NJ	●		●	
CO				●	NM	●	●		
CT	●			●	NY	●		●	
DE	●	●			NC	●		●	
DC	●	●	●	◐	ND				●
FL	●			●	OH				●
GA	●		●		OK	●			●
HI	●	●			OR	●	●	●	◐
ID				●	PA				●
IL	●	●			RI	●	●		
IN	●	●			SC	●	●		
IA	●			●	SD				●
KS	●			●	TN	●		●	
KY	●	●			TX	●	●		
LA	●	●	●	◐	UT				●
ME	●	●			VT			●	●
MD	●		●		VA			●	●
MA			●	●	WA	●	●	●	◐
MI	●			●	WV	●		●	
MN	●	●			WI	●	●		
MS	●		●		WY				●
MO			●	●	Total	33+ DC	17+ DC	19+ DC	

STATUS OF STATE LAWS

17 states do not have primary enforcement seat belt laws for passengers, regardless of seating position.

No state adopted an all-rider motorcycle helmet law in 2013. ***There were 19 attempts to repeal all -rider motorcycle helmet laws in 11 states.***

11 states have none of the three laws. (AZ, CO, ID, MT, NH, ND, OH, PA, SD, UT and WY).

4 states and DC have all three laws (CA, LA, OR, and WA)

● = Optimal law
◐ = Good (3 optimal laws)
◔ = Caution (2 optimal laws)
◍ = Danger (1 or 0 optimal laws)

(No credit is given for laws that are secondary enforcement)

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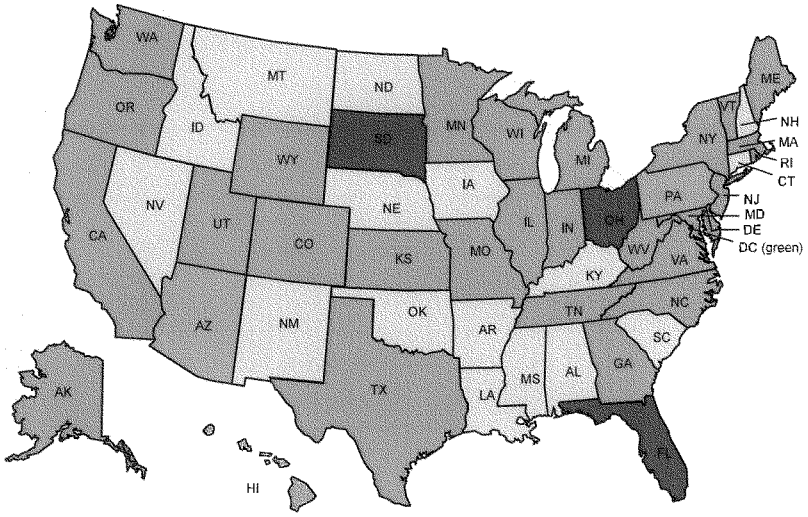
CHILD PASSENGER SAFETY

Booster Seat Laws



Note: No credit is given for laws that are subject to secondary enforcement. Please refer to page 11 for law definition.

BOOSTER SEAT LAWS

Motor vehicle crashes are a leading cause of death for American children aged five to fourteen. An average of three children under age 14 were killed and 463 were injured every day in motor vehicle crashes in the U.S. in 2012. Additionally, 291 children age four through seven died in motor vehicle crashes. The best way to protect children age 12 and under from risks posed by air bags is to place them in the back seat, restrained by a child safety seat, booster seat or safety belt, as appropriate.

Booster seats are intended to provide a platform that lifts the child up off the vehicle seat in order to improve the fit of the child in a three-point adult safety belt. They should also position the lap belt portion of the adult safety belt across the child's hips or pelvic area. An improper fit of an adult safety belt can cause the lap belt to ride up over the stomach and the shoulder belt to cut across the neck, potentially exposing the child to serious abdominal and neck injury. Additionally, if the shoulder strap portion of the lap/shoulder belt is uncomfortable, children will likely place it behind their backs, defeating the safety benefits of the system. When children are properly restrained in a child safety seat, booster seat or safety belt, as appropriate for their age and size, their chance of being killed or seriously injured in a car crash is greatly reduced.

- According to NHTSA, when used properly, child safety seats reduce fatal injury by 71% for infants and 54% for toddlers in passenger cars. Using a booster seat with a seat belt instead of a seat belt alone reduces a child's risk of injury in a crash by 59%, according to Partners for Child Passenger Safety, a project of Children's Hospital of Philadelphia and State Farm Insurance.
- In 2012, there were 298 passenger vehicle occupant fatalities among children age four or younger and of those, where restraint use was known, 31% were totally unrestrained. More than 280 lives were saved in 2012 by restraining children four and younger in passenger vehicles.
- Across all age groups, injury risk is lowest (less than 2%) when children are placed in an age-appropriate restraint in the rear seat.
- A Harris public opinion poll found that 84% of Americans support all states having booster seat laws protecting children ages four through seven.
- According to IIHS, expanded child restraint laws covering children through age seven were associated with:
  - 5% reduction in the rate of children with injuries of any severity;
  - 17% reduction in the rate of children with fatal and incapacitating injuries;
  - Children being 3 times as likely to be in appropriate restraints;
  - 6% increase in the number of booster-seat aged children seated in the rear of the vehicle where children are more protected.

To date, 47 states and DC have enacted primary enforcement booster seat laws. **However, only 31 of those states and DC have laws that provide protection for children ages four through seven,** as recommended by Advocates, NTSB, NHTSA, and other child safety advocacy organizations.

BOOSTER SEAT LAWS RATING CHART

	Booster Seat Law	Rating		Booster Seat Law	Rating
AL	○		MT	○	
AK	●	◕	NE	○	
AZ	●	◕	NV	○	
AR	○		NH	○	
CA	●	◕	NJ	●	◕
CO	●	◕	NM	○	
CT	○		NY	●	◕
DE	●	◕	NC	●	◕
DC	●	◕	ND	○	
FL		●	OH		●
GA	●	◕	OK	○	
HI	●	◕	OR	●	◕
ID	○		PA	●	◕
IL	●	◕	RI	●	◕
IN	●	◕	SC	○	
IA	○		SD		●
KS	●	◕	TN	●	◕
KY	○		TX	●	◕
LA	○		UT	●	◕
ME	●	◕	VT	●	◕
MD	●	◕	VA	●	◕
MA	●	◕	WA	●	◕
MI	●	◕	WV	●	◕
MN	●	◕	WI	●	◕
MS	○		WY	●	◕
MO	●	◕	Total	31+ DC	

STATUS OF STATE LAWS

No state adopted an optimal booster seat law in 2013.

31 states and DC have an optimal booster seat law.

16 states (AL, AR, CT, ID, IA, KY, LA, MS, MT, NE, NV, NH, NM, ND, OK, and SC) have a booster seat law that does not cover children through age 7.

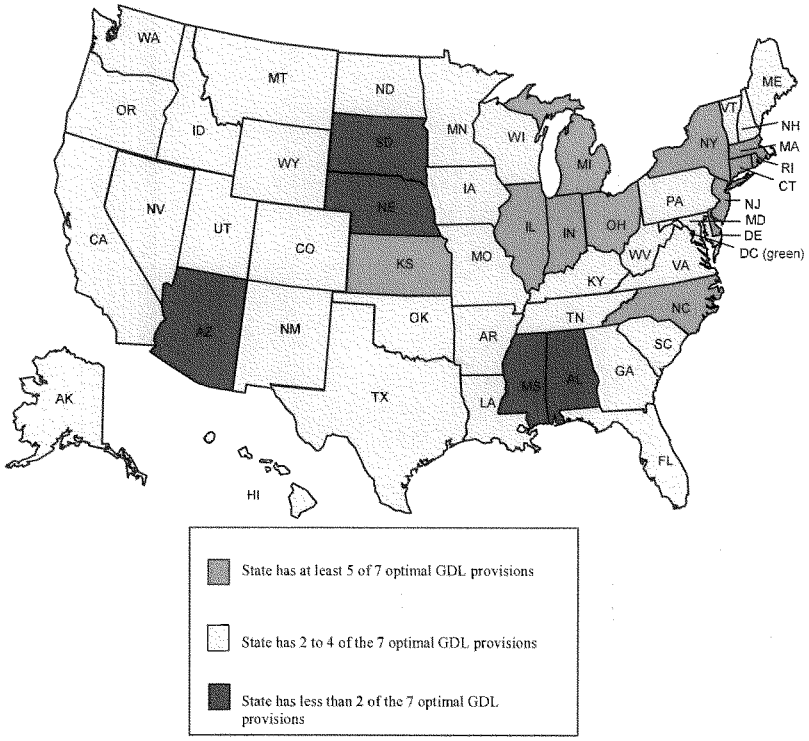
5 states (FL, OH, and SD) have yet to adopt any booster seat law, or the states' law only permits secondary enforcement.

● = Optimal law
○= Law does not fully satisfy Advocates' recommendation (no credit given)
◕ = Good
= Caution
● = Danger

(No credit is given for laws that are secondary enforcement)

TEEN DRIVING: GRADUATED DRIVER LICENSING (GDL) PROGRAM

Minimum Age 16 for Learner's Permit
6-Month Holding Period
30-50 Hours Supervised Driving
Nighttime Driving Restriction
Passenger Restriction
Cell Phone Restriction
Age 18 for Unrestricted License



Note: No credit is given for laws that are subject to secondary enforcement. Please refer to pages 11-12 for law definitions. See "States at a Glance", beginning on page 38, to determine which laws states lack.

TEEN DRIVING LAWS

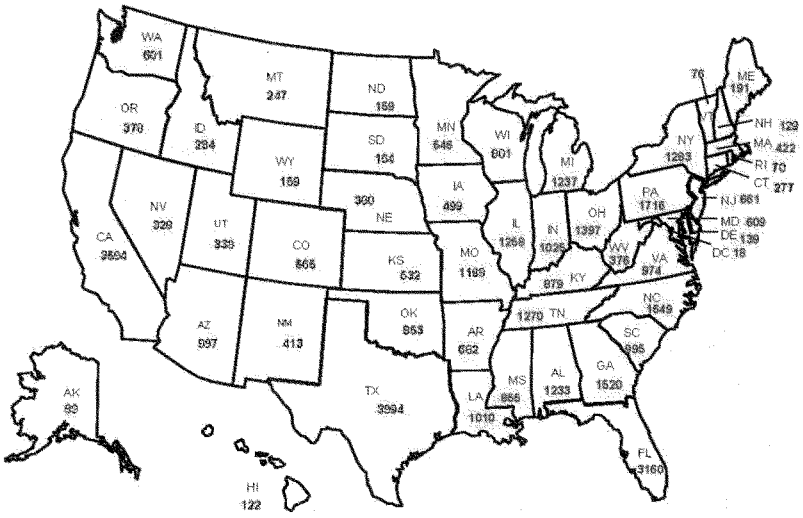
Motor Vehicle Crashes are the Number One Killer of American Teenagers

Teen drivers are far more likely than other drivers to be involved in fatal crashes because they lack driving experience and tend to take greater risks. According to NHTSA, 4,640 people were killed in crashes involving young drivers in 2012. Of that number, 1,875 were young drivers and 1,052 were passengers of young drivers. The remaining 1,713 victims were pedestrians, pedalcyclists, and the occupants of the other vehicles involved in crashes with young drivers. According to NHTSA, the annual estimated economic cost of police-reported crashes involving young drivers is $40.8 billion.

GDL programs, which introduce teens to the driving experience gradually by phasing in full driving privileges over time and in lower risk settings, have been effective in reducing teen crash deaths.

In this report, each of the seven optimal GDL provisions is counted separately in rating the state effort. **No state has all of the optimal GDL provisions recommended in this report.**

The map below shows the number of fatalities caused by motor vehicle crashes involving drivers aged 15 to 20 from 2006 to 2012.



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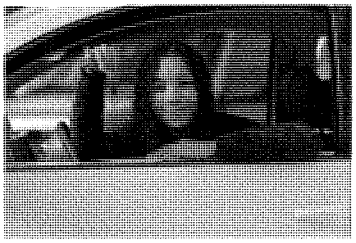
TEEN DRIVING LAWS



- A study conducted by IIHS found that fatal crash rates per mile driven are twice as high for 16-year-olds as they are for 18 to 19-year-olds. The greatest incidence (20%) of teenage motor vehicle crash deaths occurs from 9 p.m. to midnight.
- In states that have adopted GDL systems, studies have found overall crash reductions among teen drivers of about 10-30%.
- Programs that included a mandatory waiting period, a nighttime restriction, and either supervised driving for at least 30 hours or a passenger restriction were associated with reductions of 16-21% in fatal-crash involvement rates of 16-year-old drivers, according to NHTSA.
- States with nighttime driving restrictions show crash reductions of up to 60% during restricted hours.
- Fatal crash rates are 21% lower for 15 to 17-year-old drivers when they are prohibited from having any teenage passengers in their vehicles, compared to when two or more passengers are allowed.
- An analysis of fatal crash rates for drivers age 15 to 17 in states with different minimum learner's permit and intermediate license ages found that as the age of obtaining a learner's permit decreases, fatal crash rates increase. The earlier young people are allowed to learn to drive, and the younger the age at which they become licensed, are both factors associated with higher fatal crash rates.
- In 2010, more than half (54%) of the young drivers killed were unrestrained, where restraint use was known.
- NHTSA data shows 26% of young drivers age 15 to 20 who were killed in crashes in 2011 had a blood alcohol concentration (BAC) of .08% or higher.
- Text messaging has become a more prominent issue when it comes to distracted teen drivers. In a 2007 study by Liberty Mutual Insurance Group and Students Against Destructive Decisions (SADD), 46% of teens admitted to text messaging while driving, even though 37% rated text messaging as "extremely" or "very" distracting.
- A 2010 survey conducted by IIHS shows that parents favor GDL laws that are as strict or even stricter than currently exist in any state. More than half of respondents think the minimum licensing age should be 17 or older.
- Almost three-quarters (74%) of teens approve of a single, comprehensive law that incorporates the key elements of GDL, according to a 2010 survey by the Allstate Foundation.

TEEN DRIVING LAWS RATING CHART

Number of new teen driving laws since January 2013: No minimum age for learner's permit; No 6-month holding period; One supervised driving provision (TX); No nighttime restriction; No passenger restriction; Three optimal cell phone restrictions (HI , MD & UT); and No age 18 for unrestricted license.

	Minimum Age 16 for Learner's Permit	6-Month Holding Period	30-50 Hrs. Supervised Driving	Nighttime Restriction	Passenger Restriction	Cell Phone Restriction	Age 18 Unrestricted License	Teen Driving Laws Rating
AL		●				○		●
AK		●	●	○	●	○		
AZ		●						●
AR		●		○	●	○	●	
CA		●	●			○		
CO		●	●			●		
CT	●		●	○	●	●	●	
DE	●	●	●	●	●	●		
DC	●	●	●	○	●	○	●	
FL		●	●	○			●	
GA		●	●			●	●	
HI		●	●	○	●	●		
ID		●	●	●	●	○		
IL		●	●	○	●	●	●	
IN		●	●	○	●	●	●	
IA		●		○		●		
KS		●	●	●	●	●		
KY	●	●	●	○		●		
LA		●	●	○		●		
ME		●	●	○	●	●		
MD		●	●	○		●	●	
MA	●	●	●			●	●	
MI		●	●	●	●	●		
MN		●	●	○	●	●		
MS		●		○		○		●
MO		●	●	○	●	○		

	Minimum Age 16 for Learner's Permit	6-Month Holding Period	30-50 Hrs. Supervised Driving	Nighttime Restriction	Passenger Restriction	Cell Phone Restriction	Age 18 Unrestricted License	Teen Driving Laws Rating
MT		●	●	○	●			
NE		●						●
NV		●	●			○	●	
NH			●	○	●	○	●	
NJ	●	●		○	●	●	●	
NM		●	●	○	●	●		
NY	●	●	●	●	●	○		
NC		●	●	●	●	●		
ND		●		●		●		
OH		●	●		●	●	●	
OK		●	●	●	●	○		
OR		●	●	○	●	●		
PA	●	●	●	○	●	○		
RI	●	●	●	○	●	●		
SC		●	●	●	○			
SD				●				●
TN		●	●	○	●	●		
TX		●	●			●	●	
UT		●	●	○		●		
VT		●	●			●		
VA		●	●			○	●	
WA		●	●			●		
WV		●		●	●	●		
WI		●	●	○	●	●		
WY			●	○	●	●		
Total	8+ DC	46+ DC	40+ DC	11	28+ DC	31	15	

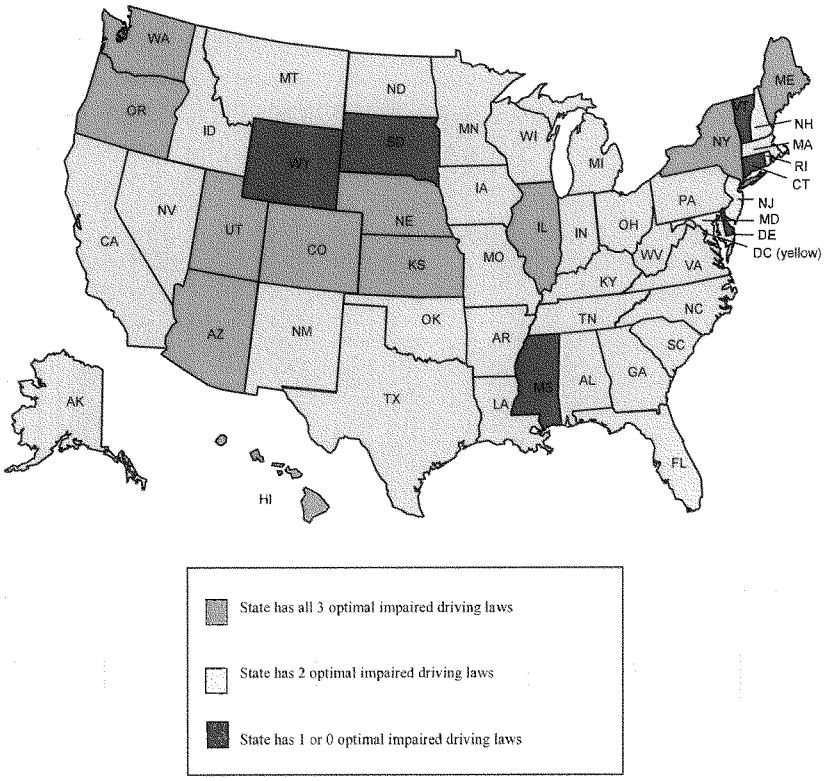
● = Optimal law ○= Law does not satisfy Advocates' recommendation (no credit given)
● = Good (At least 5 optimal provisions)
= Caution (at least 2 to 4 of 7 optimal provisions)
● = Danger (Less than 2 optimal provisions)
(No credit is given for laws that are secondary enforcement)

IMPAIRED DRIVING

Ignition Interlock Devices

Child Endangerment

Open Container



Note: No credit is given for laws that are subject to secondary enforcement. Please refer to page 12 for law definitions. See "States at a Glance", beginning on page 38, to determine which laws states lack.

IMPAIRED DRIVING LAWS

Since the 1980s, there has generally been a downward trend in alcohol-related deaths that can be attributed to a cultural shift in attitudes towards drunk driving, as well as strong anti-drunk driving laws. However, this problem still remains a substantial and serious safety threat, accounting for nearly a third of all traffic deaths in the U.S. In 2012, 10,322 people died in crashes involving drunk drivers—457 more than 2011—representing an almost 5% increase. According to Mothers Against Drunk Driving (MADD), drunk driving costs more than $132 billion annually. Clearly, more still needs to be done to reduce the number of impaired drivers on our roadways.

- An average of one alcohol-impaired driving fatality occurred every 51 minutes in 2012.
- A common misconception is that most people who are convicted of their first drunk driving offense are social drinkers who made one mistake. However, studies show that on average a person arrested for drunk driving has driven drunk 87 other times, according to NHTSA research.
- According to the CDC, adult drivers drank too much and got behind the wheel approximately 112 million times in 2010, which equals approximately 300,000 incidents of drinking and driving each day.
- NHTSA reports that drivers with a BAC of .08% or higher involved in fatal crashes were seven times more likely to have a prior conviction for driving while intoxicated (DWI) than were drivers with no alcohol (7% and 1% respectively).

Impaired driving laws target a range of behavioral issues associated with alcohol consumption and operation of a motor vehicle on public roads. Federal leadership in critical areas such as impaired driving has resulted in the rapid adoption of lifesaving laws in states across the country. As a result of federal laws enacted with strong sanctions, all 50 states and DC have adopted .08% BAC laws, a national 21 minimum drinking age, and zero tolerance BAC laws for youth.

Ignition Interlock Device Laws

A breath alcohol ignition interlock device (IID) is a mechanism similar to a breathalyzer which is linked to a vehicle's ignition system. Its purpose is to deter an individual who has a prior drunk driving conviction from driving the vehicle with a BAC that exceeds a specified level set by state law. Before the vehicle can be started, the driver must breathe into the device, and if the analyzed result is over the specified legal BAC limit, commonly .02% or .04%, the vehicle will not start. In addition, at random times after the engine has been started, the IID will require another breath sample. This prevents cheating where a friend or relative breathes into the device to bypass the system in order to enable an intoxicated person to get behind the wheel and drive. If the breath sample is not provided, or the sample exceeds the ignition interlock's preset BAC, the device will log the event, warn the driver and then set off an alarm (e.g., lights flashing, horn honking, etc.) until the ignition is turned off.

- Nearly eight in ten Americans support requiring ignition interlocks for all convicted driving under the influence (DUI) offenders, even if it is their first conviction, according to the American Automobile Association (AAA).
- 82% of offenders themselves believe the IID was effective in preventing them from driving after drinking.
- According to the CDC, when IIDs are installed, they are associated with a reduction in arrest rates for impaired driving of approximately 70%.
- NHTSA research shows that IIDs reduce recidivism among both first-time and repeat DWI offenders, with reductions in subsequent DWI arrests ranging from 50% to 90% while the interlock is installed on the vehicle.

Advocates also has chosen to evaluate whether a state's IID laws applies to all offenders. **Currently, IIDs are mandatory for all offenders, including first time offenders, in only 20 states.** These state laws offer the most effective means for denying drunk drivers the opportunity to get behind the wheel after having been convicted of a drunk driving offense.

Child Endangerment Laws

In 2012, 239 children ages 14 and younger were killed in crashes involving an alcohol-impaired driver. A national telephone survey sponsored by NHTSA in 1999 estimated that between 46 million to 102 million drunk-driving trips are made each year with children under the age of 15 in the vehicle.

Child endangerment laws either create a separate offense or enhance existing DWI and DUI penalties for people who drive under the influence of alcohol or drugs with a minor child in the vehicle. Drivers who engage in this conduct create a hazardous situation for themselves and for others on the road, and also put a child – who rarely has a choice as to who is driving – at risk of serious danger. A CDC study found that only 18% of children who were killed in a crash while riding in the impaired driver's vehicle were properly restrained. In comparison, nearly 31% of children killed in a crash while riding with a non-impaired driver were properly restrained.

Child endangerment laws are enacted to encourage people to consider the consequences for younger passengers before they drive while impaired with a child in their vehicle. When adequately defined and properly enforced, child endangerment laws act as a strong deterrent that protects children. **Currently, 46 states and DC have enacted child endangerment laws that create a separate offense or increase penalties for people who drive while impaired with children in their vehicle.**

Open Container Laws That Meet Federal Requirements

Studies have shown that open container laws are effective at deterring excessive drinking by drivers getting behind the wheel. States have also shown a significant decrease in hit-and-run crashes after adopting open container laws.

Congress passed legislation in 1998 establishing a program designed to encourage states to adopt laws that ban the presence of open containers of any kind of alcoholic beverage in the entire passenger area of a motor vehicle. To comply with the provisions set forth in federal law, the state's open container law must:

- Prohibit both possession of any open alcoholic beverage container and consumption of any alcoholic beverage in a motor vehicle;
- Cover the entire passenger area of any motor vehicle, including unlocked glove compartments and accessible storage areas;
- Apply to all alcoholic beverages including beer, wine, and spirits;
- Apply to all vehicle occupants except for passengers of buses, taxi cabs, limousines or persons in the living quarters of motor homes;
- Apply to vehicles on the shoulder of public highways; and,
- Require primary enforcement of the law.

In an effort to encourage states to comply with the federal law, those states that are non-compliant have 3% of certain federal highway construction funds diverted to highway safety programs that fund alcohol-impaired driving countermeasures and law enforcement activities. This federal requirement is known as "redirection," and provides that states do not lose any funding, but can redirect the diverted funds to other designated programs. Redirection has been largely ineffective as an incentive for encouraging lagging states to enact strong open container laws. **Currently, not every state has this law and only 39 states and DC are in compliance.**

IMPAIRED DRIVING LAWS RATING CHART

Number of new impaired driving laws since January 2013: Two ignition interlock laws for all offenders (ME, TN); No child endangerment; and No open container.

	Ignition Interlocks	Child Endangerment	Open Container	Impaired Driving Rating		Ignition Interlocks	Child Endangerment	Open Container	Impaired Driving Rating
AL		●	●		MT		●	●	
AK	●	●			NE	●	●	●	◐
AZ	●	●	●	◐	NV		●	●	
AR	●	●			NH		●	●	
CA		●	●		NJ		●	●	
CO	●	●	●	◐	NM	●		●	
CT	●			●	NY	●	●	●	◐
DE		●		●	NC		●	●	
DC		●	●		ND		●	●	
FL		●	●		OH		●	●	
GA		●	●		OK		●	●	
HI	●	●	●	◐	OR	●	●	●	◐
ID		●	●		PA		●	●	
IL	●	●	●	◐	RI		●	●	
IN		●	●		SC		●	●	
IA		●	●		SD			●	●
KS	●	●	●	◐	TN	●	●		
KY		●	●		TX		●	●	
LA	●	●			UT	●	●	●	◐
ME	●	●	●	◐	VT			●	●
MD		●	●		VA	●	●		
MA		●	●		WA	●	●	●	◐
MI		●	●		WV	●	●		
MN		●	●		WI		●	●	
MS		●		●	WY		●		●
MO	●	●			Total	20	46+ DC	39+ DC	

STATUS OF STATE LAWS

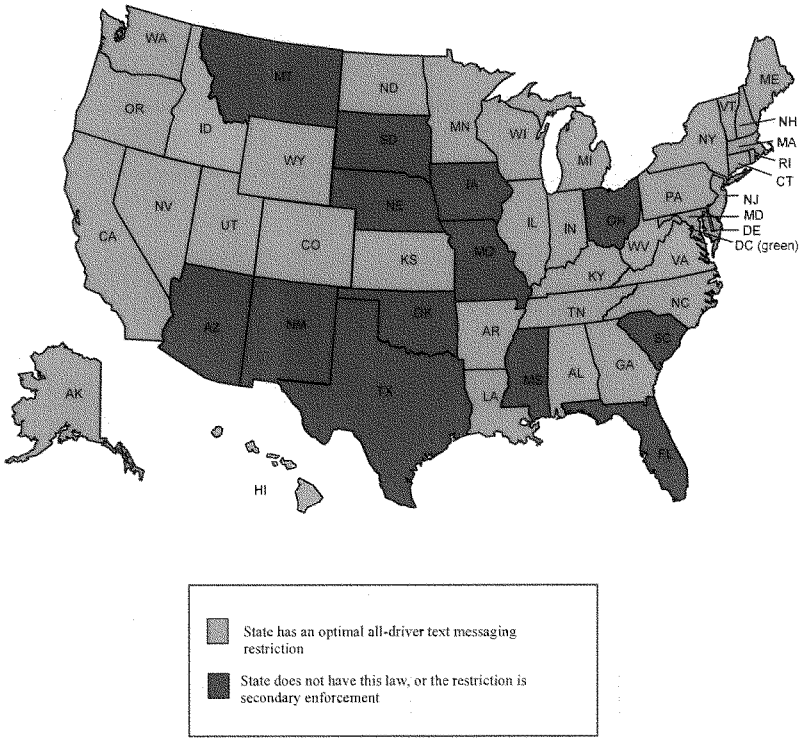
[illegible] states and D.C. are missing one or more critical impaired driving law.

● = Optimal law
◐ = Good (3 optimal laws)
= Caution (2 optimal laws)
● = Danger (1 or 0 optimal laws)

(No credit is given for laws that are secondary enforcement)

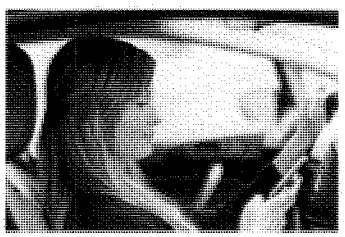
183

DISTRACTED DRIVING: ALL-DRIVER TEXT MESSAGING RESTRICTION



Note: No credit is given for laws that are subject to secondary enforcement. Please refer to page 12 for law definition. See "States at a Glance", beginning on page 38, to determine which states are restricted to secondary enforcement.

ALL-DRIVER TEXT MESSAGING RESTRICTIONS



According to NHTSA, in 2012, there were 3,328 people killed and 421,000 injured in crashes involving a distracted driver. However, issues with underreporting crashes involving cell phones remain because of differences in police crash report coding, database limitations, and other challenges. It is clear from an increasing body of safety research, studies and data that the use of electronic devices for telecommunications (such as mobile phones and text messaging), telematics and entertainment can readily distract drivers from the driving task.

- Research has shown that because of the degree of cognitive distraction these devices cause, the behavior of drivers using mobile phones (whether hand-held or hands-free) is equivalent to the behavior of drivers at the threshold of the legal limit for alcohol (0.08% BAC).
- Crash risk increases dramatically – as much as four times higher – when a driver is using a mobile phone, with no significant safety difference between hand-held and hands-free phones observed in many studies.
- According to NHTSA data, almost 10% of fatal crashes and 18% of injury crashes in 2012 were reported as distraction-affected crashes; however, there are problems with underreporting due to police crash report coding and other challenges.
- In 2012, The Wireless Association reported that there were more than 2.19 trillion text messages sent or received in the U.S.
- According to a survey by Nationwide Insurance, four out of ten respondents claimed to have been hit or nearly hit as a result of a distracted driver.
- Eleven percent of all drivers 15 to 19 years old involved in a fatal crash were reported as distracted at the time of the crash, according to NHTSA. This age group represents the largest proportion of drivers who were distracted.
- Sending or receiving a text message causes the driver's eyes to be off the road for an average of 4.6 seconds. When driving 55 miles per hour, this is the equivalent of driving the entire length of a football field blind.
- NHTSA reports the percentage of drivers holding cell phones to their ears while driving was 5% in 2011. This rate translates into 660,000 vehicles driven by people using hand-held cell phones at a typical daytime moment in 2011.
- According to NHTSA, the percentage of drivers visibly manipulating hand-held devices while driving increased by 44% between 2010 and 2011.

In order to get people to pay attention while operating a vehicle and to adopt safer behaviors, education must be combined with strong laws and appropriate enforcement. This is the tried and true method to change behavior in order to improve safety.

Advocates has given full credit to states that have primary enforcement of an all-driver text messaging restriction. **To date, 37 states and DC ban text messaging for all drivers, including one state (HI) that adopted this law in 2013. Virginia upgraded its texting ban in 2013 from secondary to primary enforcement.**

ALL-DRIVER TEXT MESSAGING RESTRICTIONS RATING CHART

Number of new texting laws since January 2013: Hawaii passed an optimal law; and, Virginia upgraded to primary enforcement.

	All-Driver Text Messaging Restriction	Rating		All-Driver Text Messaging Restriction	Rating
AL	●	●	MT		●
AK	●	●	NE		●
AZ		●	NV	●	●
AR	●	●	NH	●	●
CA	●	●	NJ	●	●
CO	●	●	NM		●
CT	●	●	NY	●	●
DE	●	●	NC	●	●
DC	●	●	ND	●	●
FL		●	OH		●
GA	●	●	OK		●
HI	●	●	OR	●	●
ID	●	●	PA	●	●
IL	●	●	RI	●	●
IN	●	●	SC		●
IA		●	SD		●
KS	●	●	TN	●	●
KY	●	●	TX		●
LA	●	●	UT	●	●
ME	●	●	VT	●	●
MD	●	●	VA	●	●
MA	●	●	WA	●	●
MI	●	●	WV	●	●
MN	●	●	WI	●	●
MS		●	WY	●	●
MO		●	Total	37+ DC	

STATUS OF STATE LAWS

37 states and DC have an optimal all-driver text messaging restriction.

9 states have yet to adopt an all-driver text messaging restriction (AZ, MS, MO, MT, NM, OK, SC, SD, and TX), and four states have laws that are only subject to secondary enforcement (IA, FL, NE, and OH).

● = Optimal law
● = Good
● = Danger

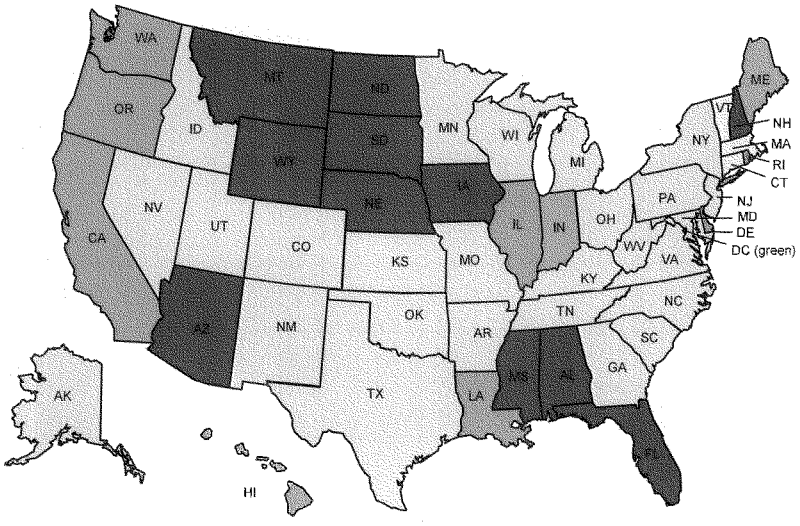
(No credit is given for laws that are secondary enforcement)

OVERALL STATE RATINGS BASED ON TOTAL NUMBER OF LAWS

On the following pages, Advocates has given an overall rating to the states based on the number of laws in each state that are recommended in this report. Credit is given *only* when the law meets Advocates' optimal law recommendations (see pages 11-12 for law definitions). No credit is given for laws that are subject to secondary enforcement.

The overall rating takes into consideration whether a state has occupant protection laws. No state without a primary enforcement seat belt law covering passengers in all seating positions (front and rear) or that has repealed an existing all-rider motorcycle helmet law within the previous ten years, is eligible for a green overall rating, no matter how many other laws it may have. This weighting is to emphasize the significance of comprehensive primary enforcement seat belt laws and all-rider motorcycle helmet laws in saving lives and reducing injuries.

Overall State Ratings Based on Total Number of Laws



Ratings Chart		
Color	**Number of Points**	**Definition**
Green	11 to 15, with both primary enforcement seat belt laws, ***or*** 9 or more, with both primary enforcement laws and all-rider helmet law	State is significantly advanced toward adoption of all Advocates' recommended highway safety laws
Yellow	6 to 10, with both primary enforcement seat belt laws, ***or*** 7 and above, without both primary enforcement seat belt laws	State is advancing but has numerous gaps in its highway safety laws.
Red	Fewer than 7, without both primary enforcement seat belt laws	State falls dangerously behind in adoption of key safety laws.

OVERALL RATING BASED ON NUMBER OF SAFETY LAWS

					Teen Driving Laws							Impaired Driving					
	Primary Enforcement Seat Belt Law (Front)	Primary Enforcement Seat Belt Law (Rear)	All-Rider Motorcycle Helmet Law	Booster Seat Law	Minimum Age 16 for Learner's Permit	6 Mo. Holding Period	30-50 hrs. Supervised Driving	Nighttime Restriction	Passenger Restriction	Cell Phone Restriction	Age 18 for Unrestricted License	Ignition Interlocks for All Offenders	Child Endangerment Law	Open Container Law	All-Driver Text Messaging Restriction	Total Credit for Number of Laws 2013	Overall Safety Rating 2013
Alabama	●		●	○		●				○			●	●	●	6	●
Alaska	●	●		●		●	●	○	●	○		●	●		●	9	
Arizona				●		●						●	●	●		5	●
Arkansas	●			○		●		○	●	○	●	●	●		●	7	
California	●	●	●	●		●	●			○			●	●	●	9	●
Colorado				●		●	●			●		●	●	●	●	8	
Connecticut	●			○	●		●	○	●	●	●	●			●	8	
Delaware	●	●		●	●	●	●	●	●	●			●		●	11	●
District of Columbia	●	●	●	●	●	●	●	○	●	○	●		●	●	●	12	●
Florida	●					●	●	○			●		●	●		6	●
Georgia	●		●	●		●	●			●	●		●	●	●	10	
Hawaii	●	●		●		●	●	○	●	●		●	●	●	●	11	●
Idaho				○		●	●	●	●	○			●	●	●	7	
Illinois	●	●		●		●	●	○	●	●	●	●	●	●	●	12	●
Indiana	●	●		●		●	●	○	●	●	●		●	●	●	11	●
Iowa	●			○		●		○		●			●	●		5	●
Kansas	●			●		●	●	●	●	●		●	●	●	●	11	
Kentucky	●	●		○	●	●	●	○		●			●	●	●	9	
Louisiana	●	●	●	○		●	●	○		●		●	●		●	9	●
Maine	●	●		●		●	●	○	●	●		●	●	●	●	11	●
Maryland	●		●	●		●	●	○		●	●		●	●	●	10	
Massachusetts			●	●	●	●	●			●	●		●	●	●	10	
Michigan	●			●		●	●	●	●	●			●	●	●	10	
Minnesota	●	●		●		●	●	○	●	●			●	●	●	10	
Mississippi	●		●	○		●		○		○			●			4	●
Missouri			●	●		●	●	○	●	○		●	●			7	
Montana				○		●	●	○	●				●	●		5	●

● = Optimal law (1 point) ○ = No credit given, indication of partial law for informational purposes only

OVERALL RATING BASED ON NUMBER OF SAFETY LAWS

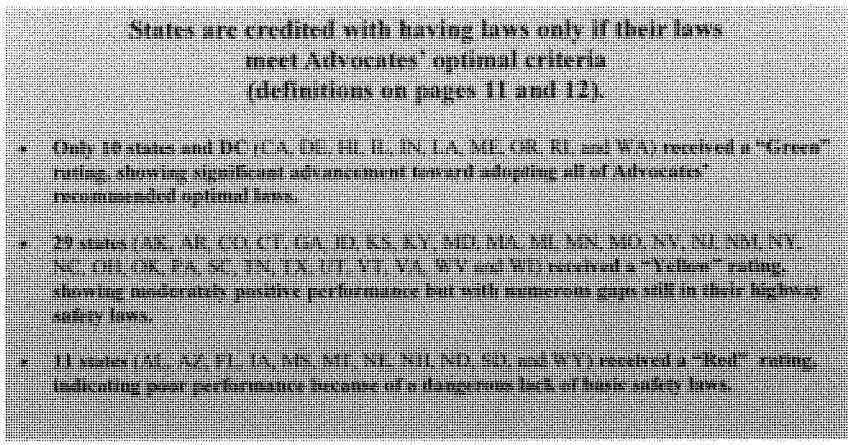
					Teen Driving Laws							Impaired Driving					
	Primary Enforcement Seat Belt Law (Front)	Primary Enforcement Seat Belt Law (Rear)	All-Rider Motorcycle Helmet Law	Booster Seat Law	Minimum Age 16 for Learner's Permit	6 Mo. Holding Period	30-50 hrs. Supervised Driving	Nighttime Restriction	Passenger Restriction	Cell Phone Restriction	Age 18 for Unrestricted License	Ignition Interlocks for All Offenders	Child Endangerment Law	Open Container Law	All-Driver Text Messaging Restriction	Total Credit for Number of Laws 2013	Overall Safety Rating 2013
Nebraska			●	○		●						●	●	●		5	●
Nevada			●	○		●	●			○	●		●	●	●	7	
New Hampshire				○			●	○	●	○	●		●	●	●	6	●
New Jersey	●		●	●	●	●		○	●	●	●		●	●	●	11	
New Mexico	●	●		○		●	●	○	●	●		●		●		8	
New York	●		●	●	●	●	●	●	●	○		●	●	●	●	12	
North Carolina	●		●	●		●	●	●	●	●			●	●	●	11	
North Dakota				○		●		●		●			●	●	●	6	●
Ohio						●	●		●	●	●		●	●		7	
Oklahoma	●			○		●	●	●	●	○			●	●		7	
Oregon	●	●	●	●		●	●	○	●	●		●	●	●	●	12	●
Pennsylvania				●	●	●	●	○	●	○			●	●	●	8	
Rhode Island	●	●		●	●	●	●	○	●	●			●	●	●	11	●
South Carolina	●	●		○		●	●	●	○				●	●		7	
South Dakota								●						●		2	●
Tennessee	●		●	●		●	●	○	●	●		●	●		●	10	
Texas	●	●		●		●	●			●	●		●	●		9	
Utah				●		●	●	○		●		●	●	●	●	8	
Vermont			●	●		●	●			●				●	●	7	
Virginia			●	●		●	●			○	●	●	●		●	8	
Washington	●	●	●	●		●	●			●		●	●	●	●	11	●
West Virginia	●		●	●		●		●	●	●		●	●		●	10	
Wisconsin	●	●		●		●	●	○	●	●			●	●	●	10	
Wyoming				●			●	○	●	●			●		●	6	●
Total Number with Optimal Law	33+ DC	17+ DC	19+ DC	31+ DC	8+ DC	46+ DC	40+ DC	11	28+ DC	31	14+ DC	20	46+ DC	39+ DC	37+ DC		
Total Number Missing Optimal Law	17	33	31	19	42	4	10	39+ DC	22	19+ DC	36	30+ DC	4	11	13		

● = Optimal law (1 point) ○ = No credit given, indication of partial law for informational purposes only

STATES AT A GLANCE

Each state and DC are graphically represented in alphabetical order with the following information:

- The number of people killed in motor vehicle crashes in each state for the year 2012, as reported by NHTSA.
- The number of people killed in motor vehicle crashes in each state since Advocates' founding in 1989, as reported by NHTSA.
- The annual economic cost of motor vehicle crashes to the state, as reported in *The Economic Impact of Motor Vehicle Crashes 2000* (NHTSA). (See chart on page 7.)
- The state's background color represents its overall rating (Green, Yellow or Red) based on the chart on pages 36 and 37 of this report.
- A list of the 15 optimal lifesaving laws that the state has not enacted, based on Advocates' definitions on pages 11 and 12 as discussed in this report.



Abbreviation Key (Explanation for Laws Needed):

S = Highway Safety Law is **Secondary** Enforcement
(Advocates gives no credit for any law that is subject to secondary enforcement.)
DE = **Driver Education** exemption included in the GDL provision
(Advocates gives no credit for any GDL provision that is exempted based on driver education.)

Note: No state without a primary enforcement seat belt law covering passengers in all seating positions (front and rear) or that has repealed an existing all-rider motorcycle helmet law within the previous 10 years is eligible for a green rating, no matter how many other laws it may have.

ALABAMA

2012 Fatalities: **865**
Fatalities since 1989: **25,142**
Annual Economic Cost Due to Motor Vehicle Crashes: **$2.79 Billion**

Highway Safety Laws Needed in Alabama:
Primary Enforcement Seat Belt Law (Rear)
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - 30-50 Hours Supervised Driving Provision (Without DE Exemption)
GDL - Stronger Nighttime Restriction Provision
GDL - Passenger Restriction Provision (Without S)
GDL - Stronger Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders

ALASKA

2012 Fatalities: **59**
Fatalities since 1989: **2,002**
Annual Economic Cost Due to Motor Vehicle Crashes: **$475 Million**

Highway Safety Laws Needed in Alaska:
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Stronger Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License
Open Container Law

ARIZONA

2012 Fatalities: **825**
Fatalities since 1989: **23,217**
Annual Economic Cost Due to Motor Vehicle Crashes: **$4.27 Billion**

Highway Safety Laws Needed in Arizona:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - 30-50 Hours Supervised Driving Provision (Without DE Exemption)
GDL - Nighttime Restriction Provision
GDL - Passenger Restriction Provision
GDL - Cell Phone Restriction Provision (Without S)
GDL - Age 18 Unrestricted License
All-Driver Text Messaging Restriction

ARKANSAS

2012 Fatalities: **552**
Fatalities since 1989: **14,823**
Annual Economic Cost Due to Motor Vehicle Crashes: **$1.97 Billion**

Highway Safety Laws Needed in Arkansas:
Primary Enforcement Seat Belt Law (Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - 30-50 Hours Supervised Driving Provision
GDL - Stronger Nighttime Restriction Provision
GDL - Cell Phone Restriction Provision (Without S)
Open Container Law

S = Secondary Enforcement **DE** = Driver Education

CALIFORNIA

2012 Fatalities: **2,857**
Fatalities since 1989: **94,365**
Annual Economic Cost Due to Motor Vehicle Crashes: **$20.66 Billion**

Highway Safety Laws Needed in California:
GDL - Minimum Age 16 for Learner's Permit
GDL - Nighttime Restriction Provision (Without S)
GDL - Passenger Restriction Provision (Without S)
GDL - Cell Phone Restriction Provision (Without S)
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders

COLORADO

2012 Fatalities: **472**
Fatalities since 1989: **13,941**
Annual Economic Cost Due to Motor Vehicle Crashes: **$3.28 Billion**

Highway Safety Laws Needed in Colorado:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Nighttime Restriction Provision (Without S)
GDL - Passenger Restriction Provision (Without S)
GDL - Age 18 for Unrestricted License

CONNECTICUT

2012 Fatalities: **236**
Fatalities since 1989: **7,319**
Annual Economic Cost Due to Motor Vehicle Crashes: **$3.60 Billion**

Highway Safety Laws Needed in Connecticut:
Primary Enforcement Seat Belt Law (Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - 6-Month Holding Period Provision (Without DE Exemption)
GDL - Stronger Nighttime Restriction Provision
Child Endangerment Law
Open Container Law

DELAWARE

2012 Fatalities: **114**
Fatalities since 1989: **2,923**
Annual Economic Cost Due to Motor Vehicle Crashes: **$706 Million**

Highway Safety Laws Needed in Delaware:
All-Rider Motorcycle Helmet Law
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders
Open Container Law

DISTRICT OF COLUMBIA

2012 Fatalities: **15**
Fatalities since 1989: **1,165**
Annual Economic Cost Due to Motor Vehicle Crashes: **$732 Million**

Highway Safety Laws Needed in Washington, D.C.:
GDL - Stronger Nighttime Restriction Provision
GDL - Stronger Cell Phone Restriction Provision
Ignition Interlock Law for All Offenders

S = Secondary Enforcement **DE** = Driver Education

FLORIDA

2012 Fatalities: **2,424**
Fatalities since 1989: **68,661**
Annual Economic Cost Due to Motor Vehicle Crashes: **$14.40 Billion**

Highway Safety Laws Needed in Florida:
Primary Enforcement Seat Belt Law (Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Passenger Restriction Provision
GDL - Cell Phone Restriction Provision
Ignition Interlock Law for All Offenders
All-Driver Text Messaging Restriction (Without S)

GEORGIA

2012 Fatalities: **1,192**
Fatalities since 1989: **35,849**
Annual Economic Cost Due to Motor Vehicle Crashes: **$7.85 Billion**

Highway Safety Laws Needed in Georgia:
Primary Enforcement Seat Belt Law (Rear)
GDL - Minimum Age 16 for Learner's Permit
GDL - Nighttime Restriction Provision (Without S)
GDL - Passenger Restriction Provision
Ignition Interlock Law for All Offenders

HAWAII

2012 Fatalities: **126**
Fatalities since 1989: **3,135**
Annual Economic Cost Due to Motor Vehicle Crashes: **$655 Million**

Highway Safety Laws Needed in Hawaii:
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Age 18 for Unrestricted License

IDAHO

2012 Fatalities: **184**
Fatalities since 1989: **5,952**
Annual Economic Cost Due to Motor Vehicle Crashes: **$856 Million**

Highway Safety Laws Needed in Idaho:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders

ILLINOIS

2012 Fatalities: **956**
Fatalities since 1989: **32,093**
Annual Economic Cost Due to Motor Vehicle Crashes: **$8.98 Billion**

Highway Safety Laws Needed in Illinois:
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision

S = Secondary Enforcement

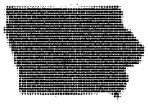
INDIANA

2012 Fatalities: **779**
Fatalities since 1989: **21,571**
Annual Economic Cost Due to Motor Vehicle Crashes: **$4.35 Billion**

Highway Safety Laws Needed in Indiana:
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
Ignition Interlock Law for All Offenders

IOWA

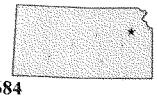
2012 Fatalities: **365**
Fatalities since 1989: **10,600**
Annual Economic Cost Due to Motor Vehicle Crashes: **$2.11 Billion**



Highway Safety Laws Needed in Iowa:
Primary Enforcement Seat Belt Law (Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - 30-50 Hours Supervised Driving Provision
GDL - Stronger Nighttime Restriction Provision
GDL - Passenger Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders
All-Driver Text Messaging Restriction (Without S)

KANSAS

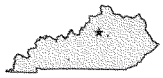
2012 Fatalities: **405**
Fatalities since 1989: **10,684**
Annual Economic Cost Due to Motor Vehicle Crashes: **$1.88 Billion**



Highway Safety Laws Needed in Kansas:
Primary Enforcement Seat Belt Law (Rear)
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Age 18 for Unrestricted License

KENTUCKY

2012 Fatalities: **746**
Fatalities since 1989: **20,208**
Annual Economic Cost Due to Motor Vehicle Crashes: **$3.11 Billion**



Highway Safety Laws Needed in Kentucky:
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Stronger Nighttime Restriction Provision
GDL - Passenger Restriction Provision (Without S)
GDL - Age 18 for Unrestricted License
Ignition Interlock Law

LOUISIANA

2012 Fatalities: **722**
Fatalities since 1989: **21,187**
Annual Economic Cost Due to Motor Vehicle Crashes: **$4.00 Billion**

Highway Safety Laws Needed in Louisiana:
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Passenger Restriction Provision
GDL - Age 18 for Unrestricted License
Open Container Law

S = Secondary Enforcement

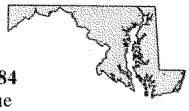
MAINE

2012 Fatalities: **164**
Fatalities since 1989: **4,413**
Annual Economic Cost Due to Motor Vehicle Crashes: **$912 Million**

Highway Safety Laws Needed in Maine:
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Age 18 for Unrestricted License

MARYLAND

2012 Fatalities: **505**
Fatalities since 1989: **14,884**
Annual Economic Cost Due to Motor Vehicle Crashes: **$4.24 Billion**



Highway Safety Laws Needed in Maryland:
Primary Enforcement Seat Belt Law (Rear)
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Passenger Restriction Provision
Ignition Interlock Law for All Offenders

MASSACHUSETTS

2012 Fatalities: **349**
Fatalities since 1989: **10,706**
Annual Economic Cost Due to Motor Vehicle Crashes: **$6.28 Billion**

Highway Safety Laws Needed in Massachusetts:
Primary Enforcement Seat Belt Law (Front & Rear)
GDL - Nighttime Restriction Provision (Without S)
GDL - Passenger Restriction Provision (Without S)
Ignition Interlock Law for All Offenders

MICHIGAN

2012 Fatalities: **938**
Fatalities since 1989: **30,340**
Annual Economic Cost Due to Motor Vehicle Crashes: **$8.07 Billion**

Highway Safety Laws Needed in Michigan:
Primary Enforcement Seat Belt Law (Rear)
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders

MINNESOTA

2012 Fatalities: **395**
Fatalities since 1989: **13,196**
Annual Economic Cost Due to Motor Vehicle Crashes: **$3.07 Billion**

Highway Safety Laws Needed in Minnesota:
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders

S = Secondary Enforcement

MISSISSIPPI

2012 Fatalities: **582**
Fatalities since 1989: **19,427**
Annual Economic Cost Due to Motor Vehicle Crashes: **$2.11 Billion**

Highway Safety Laws Needed in Mississippi:
Primary Enforcement Seat Belt Law (Rear)
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - 30-50 Hours Supervised Driving Provision
GDL - Stronger Nighttime Restriction Provision
GDL - Passenger Restriction Provision
GDL - Stronger Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders
Open Container Law
All-Driver Text Messaging Restriction

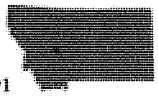
MISSOURI

2012 Fatalities: **826**
Fatalities since 1989: **25,332**
Annual Economic Cost Due to Motor Vehicle Crashes: **$4.74 Billion**

Highway Safety Laws Needed in Missouri:
Primary Enforcement Seat Belt Law (Front & Rear)
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Stronger Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License
Open Container Law
All-Driver Text Messaging Restriction

MONTANA

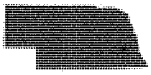
2012 Fatalities: **205**
Fatalities since 1989: **5,391**
Annual Economic Cost Due to Motor Vehicle Crashes: **$621 Million**



Highway Safety Laws Needed in Montana:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7 (Without S)
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders
All-Driver Text Messaging Restriction

NEBRASKA

2012 Fatalities: **212**
Fatalities since 1989: **6,277**
Annual Economic Cost Due to Motor Vehicle Crashes: **$1.63 Billion**



Highway Safety Laws Needed in Nebraska:
Primary Enforcement Seat Belt Law (Front & Rear)
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - 30-50 Hours Supervised Driving Provision (Without DE Exemption)
GDL - Nighttime Restriction Provision (Without S)
GDL - Passenger Restriction Provision (Without S)
GDL - Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License
All-Driver Text Messaging Restriction (Without S)

S = Secondary Enforcement **DE** = Driver Education

NEVADA

2012 Fatalities: **258**
Fatalities since 1989: **7,819**
Annual Economic Cost Due to Motor Vehicle Crashes: **$1.87 Billion**

Highway Safety Laws Needed in Nevada:
Primary Enforcement Seat Belt Law (Front & Rear)
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - Nighttime Restriction Provision (Without S)
GDL - Passenger Restriction Provision (Without S)
GDL - Stronger Cell Phone Restriction Provision
Ignition Interlock Law for All Offenders

NEW HAMPSHIRE

2012 Fatalities: **108**
Fatalities since 1989: **3,187**
Annual Economic Cost Due to Motor Vehicle Crashes: **$1.01 Billion**

Highway Safety Laws Needed in New Hampshire:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - 6-Month Holding Period Provision
GDL - Stronger Nighttime Restriction Provision
GDL - Stronger Cell Phone Restriction Provision
Ignition Interlock Law for All Offenders

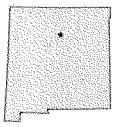
NEW JERSEY

2012 Fatalities: **589**
Fatalities since 1989: **17,619**
Annual Economic Cost Due to Motor Vehicle Crashes: **$9.34 Billion**

Highway Safety Laws Needed in New Jersey:
Primary Enforcement Seat Belt Law (Rear)
GDL - 30-50 Hours Supervised Driving Provision
GDL - Stronger Nighttime Restriction Provision
Ignition Interlock Law for All Offenders

NEW MEXICO

2012 Fatalities: **365**
Fatalities since 1989: **10,653**
Annual Economic Cost Due to Motor Vehicle Crashes: **$1.41 Billion**



Highway Safety Laws Needed in New Mexico:
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Age 18 for Unrestricted License
Child Endangerment Law
All-Driver Text Messaging Restriction

NEW YORK

2012 Fatalities: **1,168**
Fatalities since 1989: **37,389**
Annual Economic Cost Due to Motor Vehicle Crashes: **$19.50 Billion**

Highway Safety Laws Needed in New York:
Primary Enforcement Seat Belt Law (Rear)
GDL - Stronger Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License (Without DE Exemption)

S = Secondary Enforcement **DE** = Driver Education

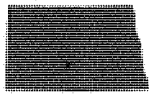
NORTH CAROLINA

2012 Fatalities: **1,292**
Fatalities since 1989: **34,942**
Annual Economic Cost Due to Motor Vehicle Crashes: **$8.27 Billion**

Highway Safety Laws Needed in North Carolina:
Primary Enforcement Seat Belt Law (Rear)
GDL - Minimum Age 16 for Learner's Permit
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders

NORTH DAKOTA

2012 Fatalities: **170**
Fatalities since 1989: **2,532**
Annual Economic Cost Due to Motor Vehicle Crashes: **$290 Million**



Highway Safety Laws Needed in North Dakota:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - 30-50 Hours Supervised Driving Provision
GDL - Passenger Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders

OHIO

2012 Fatalities: **1,123**
Fatalities since 1989: **32,361**
Annual Economic Cost Due to Motor Vehicle Crashes: **$11.09 Billion**

Highway Safety Laws Needed in Ohio:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7 (Without S)
GDL - Minimum Age 16 for Learner's Permit
GDL - Nighttime Restriction Provision
Ignition Interlock Law for All Offenders
All-Driver Text Messaging Restriction (Without S)

OKLAHOMA

2012 Fatalities: **708**
Fatalities since 1989: **17,067**
Annual Economic Cost Due to Motor Vehicle Crashes: **$2.59 Billion**

Highway Safety Laws Needed in Oklahoma:
Primary Enforcement Seat Belt (Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders
All-Driver Text Messaging Restriction

OREGON

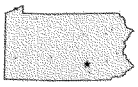
2012 Fatalities: **331**
Fatalities since 1989: **11,289**
Annual Economic Cost Due to Motor Vehicle Crashes: **$1.95 Billion**

Highway Safety Laws Needed in Oregon:
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Age 18 for Unrestricted License

S = Secondary Enforcement

PENNSYLVANIA

2012 Fatalities: **1,310**
Fatalities since 1989: **36,242**
Annual Economic Cost Due to Motor Vehicle Crashes: **$8.17 Billion**



Highway Safety Laws Needed in Pennsylvania:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
GDL - Stronger Nighttime Restriction Provision
GDL - Stronger Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License (Without DE Exemption)
Ignition Interlock Law for All Offenders

RHODE ISLAND

2012 Fatalities: **64**
Fatalities since 1989: **1,876**
Annual Economic Cost Due to Motor Vehicle Crashes: **$767 Million**

Highway Safety Laws Needed in Rhode Island:
All-Rider Motorcycle Helmet Law
GDL - Stronger Nighttime Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders

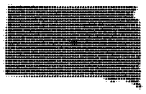
SOUTH CAROLINA

2012 Fatalities: **863**
Fatalities since 1989: **22,848**
Annual Economic Cost Due to Motor Vehicle Crashes: **$3.34 Billion**

Highway Safety Laws Needed in South Carolina:
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Passenger Restriction Provision
GDL - Cell Phone Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders
All-Driver Text Messaging Restriction

SOUTH DAKOTA

2012 Fatalities: **133**
Fatalities since 1989: **3,780**
Annual Economic Cost Due to Motor Vehicle Crashes: **$498 Million**



Highway Safety Laws Needed in South Dakota:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
Booster Seat Law Through Age 7
GDL - Minimum Age 16 for Learner's Permit
GDL - 6-Month Holding Period Provision (Without DE Exemption)
GDL - 30-50 Hours Supervised Driving Provision
GDL - Passenger Restriction Provision
GDL - Cell Phone Restriction Provision (Without S)
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders
Child Endangerment Law
All-Driver Text Messaging Restriction

S = Secondary Enforcement **DE** = Driver Education

TENNESSEE

2012 Fatalities: **1,014**
Fatalities since 1989: **28,125**
Annual Economic Cost Due to Motor Vehicle Crashes: **$4.63 Billion**

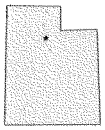
Highway Safety Laws Needed in Tennessee:
Primary Enforcement Seat Belt Law (Rear)
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Age 18 for Unrestricted License
Open Container Law

TEXAS

2012 Fatalities: **3,398**
Fatalities since 1989: **81,248**
Annual Economic Cost Due to Motor Vehicle Crashes: **$19.76 Billion**

Highway Safety Laws Needed in Texas:
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Nighttime Restriction Provision (Without S)
GDL - Passenger Restriction Provision (Without S)
Ignition Interlock Law for All Offenders
All-Driver Text Messaging Restriction

UTAH



2012 Fatalities: **217**
Fatalities since 1989: **7,165**
Annual Economic Cost Due to Motor Vehicle Crashes: **$1.59 Billion**

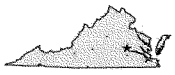
Highway Safety Laws Needed in Utah:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Passenger Restriction Provision
GDL - Age 18 for Unrestricted License

VERMONT

2012 Fatalities: **77**
Fatalities since 1989: **2,072**
Annual Economic Cost Due to Motor Vehicle Crashes: **$221 Million**

Highway Safety Laws Needed in Vermont:
Primary Enforcement Seat Belt Law (Front & Rear)
GDL - Minimum Age 16 for Learner's Permit
GDL - Nighttime Restriction Provision
GDL - Passenger Restriction Provision (Without S)
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders
Child Endangerment Law

VIRGINIA



2012 Fatalities: **777**
Fatalities since 1989: **21,696**
Annual Economic Cost Due to Motor Vehicle Crashes: **$5.20 Billion**

Highway Safety Laws Needed in Virginia:
Primary Enforcement Seat Belt Law (Front & Rear)
GDL - Minimum Age 16 for Learner's Permit
GDL - Nighttime Restriction Provision (Without S)
GDL - Passenger Restriction Provision (Without S)
GDL - Cell Phone Restriction (Without S)
Open Container Law

S = Secondary Enforcement **DE** = Driver Education

WASHINGTON

2012 Fatalities: **444**
Fatalities since 1989: **14,893**
Annual Economic Cost Due to Motor Vehicle Crashes: **$5.31 Billion**

Highway Safety Laws Needed in Washington:
GDL - Minimum Age 16 for Learner's Permit
GDL - Nighttime Restriction Provision
GDL - Passenger Restriction Provision
GDL - Age 18 for Unrestricted License

WEST VIRGINIA

2012 Fatalities: **339**
Fatalities since 1989: **9,394**
Annual Economic Cost Due to Motor Vehicle Crashes: **$1.27 Billion**

Highway Safety Laws Needed in West Virginia:
Primary Enforcement Seat Belt Law (Rear)
GDL - Minimum Age 16 for Learner's Permit
GDL - 30-50 Hours Supervised Driving Provision (Without DE Exemption)
GDL - Age 18 for Unrestricted License
Open Container Law

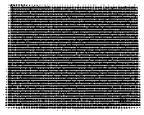
WISCONSIN

2012 Fatalities: **615**
Fatalities since 1989: **17,386**
Annual Economic Cost Due to Motor Vehicle Crashes: **$3.76 Billion**

Highway Safety Laws Needed in Wisconsin:
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - Stronger Nighttime Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders

WYOMING

2012 Fatalities: **123**
Fatalities since 1989: **3,613**
Annual Economic Cost Due to Motor Vehicle Crashes: **$424 Million**



Highway Safety Laws Needed in Wyoming:
Primary Enforcement Seat Belt Law (Front & Rear)
All-Rider Motorcycle Helmet Law
GDL - Minimum Age 16 for Learner's Permit
GDL - 6-Month Holding Period Provision
GDL - Stronger Nighttime Restriction Provision
GDL - Age 18 for Unrestricted License
Ignition Interlock Law for All Offenders
Open Container Law

S = Secondary Enforcement **DE** = Driver Education

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ADVOCATES
for Highway & Auto Safety
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ABOUT ADVOCATES

Advocates for Highway and Auto Safety is an alliance of consumer, health and safety groups and insurance companies and agents working together to make America's roads safer.

Advocates encourages the adoption of federal and state laws, policies and programs that save lives and reduce injuries. By joining its resources with others, Advocates helps build coalitions to increase participation of a wide array of groups in public policy initiatives which advance highway and auto safety.

For more information, please visit www.saferoads.org.

Advocates for Highway and Auto Safety
750 First Street, NE, Suite 901
Washington, D.C. 20002
202-408-1711
Follow us on Twitter: @SafeRoadsNow

Statement of MADD President Jan Withers
House Transportation & Infrastructure
Subcommittee on Highways and Transit
Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs
January 28, 2014

Chairman Petri, Ranking Member Norton and members of this distinguished Committee, thank you for the opportunity to submit testimony for the record as part of your hearing on *Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs.* I would also like to thank you for your leadership on highway safety and other transportation safety issues.

Mothers Against Drunk Driving was pleased to work with this Committee during the passage of Moving Ahead for Progress in the 21st Century. MAP-21 represents a significant milestone for traffic safety, ensuring that federal funding goes toward proven traffic safety countermeasures. We were also very pleased that meaningful drunk driving countermeasures were a considerable part of MAP-21's safety legacy.

In 2006 MADD launched the Campaign to Eliminate Drunk Driving with the lofty but attainable goal to eliminate over 10,000 deaths and 300,000 injuries caused each year by drunk drivers. These are not just numbers. Each death due to a careless drunk driver is someone's child, parent, grandparent, or spouse. I know this pain firsthand as my daughter Alisa was killed when she was just 15 years old due to a reckless choice that someone else made.

The Campaign is based on three proven countermeasures. First, we must support law enforcement agency efforts to conduct highly visible ***Sobriety Checkpoints and Saturation Patrols***, which are proven to reduce drunk driving by 20 percent. Second, states must pass ***All-Offender Ignition Interlock Laws***, which have reduced drunk driving deaths by over 30 percent in states which have enacted these laws. Lastly, in the not-too-distant future, ***Advanced Vehicle Safety Technology***, like the Driver Alcohol Detection System for Safety, or DADSS, will stop a car from being operated by a drunk driver.

The Congress, and this Committee, backed MADD's Campaign, fully codifying its three components as part of MAP-21. Thank you for your leadership and support of these lifesaving efforts to eliminate drunk driving. As the Committee begins to consider reauthorization of our nation's surface transportation programs, MADD urges you to continue to endorse research-based programs and policies that will save thousands of lives every year.

High-visibility law enforcement is literally the front line in the fight against drunk driving. Currently the National Highway Traffic Safety Administration partners with states to conduct three annual high-visibility paid ad enforcement campaigns. One, *Click it or Ticket*, has become an iconic slogan for the nation reminding all of us to buckle up -- which is still the best way to stay safe behind the wheel. In 2012, national seat belt use hit 87 percent. We know this is in large part due to the highly visible Click it or Ticket enforcement campaign.

NHTSA also conducts two *Drive Sober or Get Pulled Over* campaigns during the Labor Day holiday and the Christmas and New Year's holiday. These two events are critical to remind would-be drunk drivers that if you choose to drive drunk, you will get caught.

MADD urge's the Committee to continue funding for at least three high-visibility law enforcement crackdowns – at least one on seat belts and two on drunk driving -- in the next surface transportation bill.

Section 405 created new incentive grant programs aimed at encouraging states to enact proven laws. MADD was pleased that 405 created a new ignition interlock incentive grant program to reward states that pass ignition interlock laws for all convicted drunk drivers. To date, 20 states have passed these laws and the results have been tremendous. Interlock laws in Arizona and Oregon have helped decrease drunk driving fatalities by 43 and 42 percent respectively. In Louisiana, drunk driving deaths are down by 35 percent. In New Mexico, drunk driving deaths have decreased by 38 percent.

Every major traffic safety group has now endorsed interlocks for all convicted drunk drivers. The National Transportation Safety Board has included ignition interlocks for all convicted drunk drivers as part of its recommendation to eliminate impaired driving, which remains a key item on the board's Most Wanted List.

Currently, Section 405 provides roughly $20 million per year to incentivize states to require all drunk drivers to use an interlock. While this is a good start, MADD urges the Committee to significantly increase funding for this important program to provide a more robust financial incentive to states. In addition, NHTSA has ruled that certain states with an all offender ignition interlock law do not qualify for the grant because they allow waivers for employment, medical, or rural exemptions. MADD believes more states should be eligible to receive funds under this grant program and would like to work with the Committee to reasonably strengthen this section of the law.

MADD urges the Committee to significantly increase funding for the Section 405 ignition interlock incentive grant program. MADD would also like to work with the Committee to allow states minor, reasonable exemptions when passing all offender ignition interlock laws.

Advanced in-vehicle safety technology is the ultimate way to eliminate drunk driving in America. MAP-21 authorized funding for the Driver Alcohol Detection System for Safety, or DADSS, which is a public-private program between NHTSA and the world's leading automotive manufacturers through the Automotive Coalition for Traffic Safety (ACTS).

The goal of DADSS is to create an in-vehicle technology to passively measure the driver's blood alcohol content. If the driver is above .08 BAC, the illegal level in all 50 states, then the car would be inoperable.

Major advancements have occurred in DADSS research, with two technologies identified as possible solutions. However, more research must be done to ensure the long-term success of this program.

NHTSA has identified DADSS as one of the agencies highest priorities by including it in the agencies *Seamless and Significant Initiative*. In addition, NHTSA and ACTS recently signed another five year cooperative agreement to continue research and development of DADSS. The goal of the project is to have the technology commercialized at the end of the new five-year cooperative agreement and we look forward to the unveiling of a new test vehicle by the end of the year.

MADD urges the Committee to continue funding for DADSS in the next highway reauthorization bill.

Chairman Petri and Ranking Member Norton, again I would like to thank you for your leadership and efforts to make our nation's surface transportation system as safe as possible. While the reauthorization of MAP-21 presents big challenges, it also offers great opportunity. Together, we can eliminate drunk driving and with it save over 10,000 lives each year.

Thank you.

Testimony Submitted

By

Stephen Owings

President and Co-Founder of Road Safe America

February 5, 2014 (for hearing held 1/28/14)

Before the House Committee on Transportation and Infrastructure

Regarding Hearing on Improving the Effectiveness of the

Surface Transportation Safety Grant Programs

Heavy commercial trucks (which make up only 3.5% of all vehicles) are involved in over 20% of all multi-vehicle fatal crashes in America (per the "Road Management and Engineering Journal"). The following common-sense changes, many of which have already been implemented in other industrialized countries throughout the world, will significantly improve this national shame.

1. A crucial need is surprisingly one that is nearly cost-free to the industry: requiring that every heavy commercial truck (class 7 & 8) manufactured since 1992, which is the year electronic speed limiters became standard equipment on all of these vehicles, program these devices to 65 mph or slower.

The majority of trucks in America's largest fleets already use the limiters at 65 miles per hour or slower. They report saving money as well as improving safety as the result.

According to the American Trucking Associations, 65 mph represents the average actual speed on American highways, regardless of the varying posted speed limits. One thing that the entire industry agrees to is that "four-wheelers" should stay out of heavy trucks' "no-zones" (in other words: give them plenty of room). The only way this would be possible, is if heavy commercial vehicles were limited to a predictable top speed. Having them limited to the average actual speed is the safest top speed for these vehicles since this, by definition, will minimize speed differentials.

The Road Information Program's report, "America's Rolling Warehouses" says, "Nearly three-quarters (73%) of traffic fatalities involving large trucks from 1998 to 2002 occurred on roads with posted speed limits of at least 55 mph." So most of the worst crashes are on highways.

The U.S. is now the only "First World" country without a speed limiter requirement for heavy trucks. The E.U., Japan, Australia, and the populous provinces of Canada all govern heavy trucks at 65 miles per hour or slower.

2. Require the use of electronic logging.

It is difficult to think of any serious business or safety measure tracked manually in the industrialized world today. Nevertheless, in this inherently dangerous industry, truck drivers, who are paid by the mile, "prove" that they are not violating the drive-time/work-time laws with an honor system – keeping paper logs themselves. While electronic logging was thankfully in MAP-21, it has yet to be implemented. This needs to be expedited.

3. The insurance requirements for trucking must be set to reflect the potential damage these vehicles can and do cause in crashes.

The minimum insurance requirements have not been increased since 1980, even to keep up with inflation. When the trucking industry was de-regulated in 1980, part of the justification to remove the regulation was the requirement for $750,000 of liability insurance per crash for each interstate carrier. Truck companies can get into this inherently dangerous business that is done 100% on public roads, by filling out a form requesting a Department of Transportation (DOT) number, which costs about $300, and getting an insurance policy for $750,000 of liability per crash. The barriers to get into this very dangerous business must be raised! This one common sense change will go a long way toward getting reckless participants out of this inherently dangerous business and keeping "bad actors" out going forward.

4. Do not allow longer, heavier trucks. Limit the top weight of trucks to 80,000 pounds nationally.

The real issue behind segments in the industry wanting longer, heavier trucks is the fact that driving a truck for a living has become less and less attractive, as reflected in the over 100% turnover within trucking companies per year over the last decade. It is a matter of physics that, as dangerous as the grim statistics show 80,000 lb. trucks to be, 100,000 lb. trucks will be exponentially more so. The proponents of heavier trucks point to the EU as an example of heavier trucks running safely. However, they fail to mention that in the EU:

- all heavy trucks are governed at 56 mph (have been for decades)
- truck drivers must be paid per hour for all hours worked including overtime (it is specifically prohibited to pay by the mile or by the job)
- truck drivers in the EU cannot drive nearly as many hours as here (average there can't exceed 45 hours per week)
- truck driving time is electronically logged (have been for decades)

Make all of these changes and we will support heavier trucks, assuming that competent engineers confirm that our bridges and roads can support them.

5. The hours of service rules in the United States cause professional truck drivers to be sleepy/inattentive.

Innumerable studies indicate that human beings are governed by the 24-hour circadian rhythm. Truck drivers should have the same drive-time limits as those existing in other freight modes.

Under the current rules, the Insurance Institute for Highway Safety reports that 1 in 5 truck drivers admit having been asleep at the wheel during the past month.

6. Demand equitable pay for drivers.

Any discussion of commercial motor vehicle safety is not complete without addressing the current, predominant system of paying truck drivers by the mile. Currently, millions of truck drivers are forced by the pay-by-the-mile remuneration, at the insistence of shippers, dispatchers, and consignees who want freight delivered on time, to drive as fast, as far, and as long as humanly possible because the more loads picked up and delivered, the better the compensation. Fundamental reform of the compensation scheme for large truck drivers, so that more hours driving at faster speeds do not mean more pay, is long overdue.

Paying truck drivers by the mile directly reinforces unsafe truck driving behavior. Truck drivers should be paid by the hour, including overtime for a normal work week that includes driving, loading and unloading, and other job responsibilities.

Requiring that truck drivers be provided training, a fair system for compensation, and humane hours of service rules will ensure that they are healthy, alert and safe. There is no doubt that paying drivers to operate their trucks safely would have a major, affirmative impact on annual large truck crash figures.

7. Improve rear under-ride guards and require side and front guards.

All heavy commercial vehicles should be required to have energy-absorbing rear guards. The vertical supports should be mounted farther apart, 18 inches from the sides, and closer to the ground (16 inches). These simple and inexpensive changes would save many lives of passenger vehicle occupants when they run into the backs of heavy trucks. Side and front panels must be required as well in the updated federal safety rules. These safety technologies are well-known and proven to be effective in the many countries in which they are already required.

8. Sleep disorder screening should be required of all CDL holders.

It is well documented that, due to their lack of access to exercise time and resources as well as the lack of healthy food choices easily available to them, the percentage of obese truck

drivers is much higher than that of the general population. As a result, many of these hard-working men & women have sleep apnea, often undiagnosed. This condition prevents them from getting restorative sleep and leads to a number of other health issues. The federal government should require regular screening for this condition. We cannot afford to have sleepy truck drivers piloting 80,000 lb. vehicles on our public roads.

9. Eliminate the exception to type II drug use while driving commercial vehicles.

Type II drugs are the kind one may use legally by prescription. These narcotics & stimulants have the warning on their labels saying not to operate heavy machinery (like 80,000 lb trucks) while using them. Therefore the regulations for truck drivers (and airline pilots) prohibit their use on the job. However, for truck drivers (not airline pilots), there is an exception allowing their use with a note from their medical professional. Consequently, there are thousands of truck drivers driving big rigs on our roads while taking drugs such as valium and oxycotin. This exception is especially easy to abuse with the "doctor shopping" that currently is in existence in this arena.

When the FMCSA did their Large Truck Crash Causation Study, use of prescription drugs was the most often cited contributing factor when the truck driver was seen as having contributed to the crash occurrence.

10. Require cameras that constantly record a short period of time (a minute or so) looking out the front of the truck, the sides looking back and the truck driver.

Use of this type of system gives truck company owners real-time information when a crash occurs. We have heard owners say that this is the best safety investment they have ever made. If the government is concerned about having the camera on the driver, from a privacy standpoint, consider just having the cameras recording what happens outside the truck.

11. Require comprehensive collision avoidance technologies on heavy commercial vehicles.

The combination of forward collision warning with active braking and electronic stability control has been shown to effectively avoid the most violent type of truck crashes, in which the trucks drive into the back of passenger vehicles. Also, when the collision is not avoided, even with this technology, the violence of the crashes is minimized with the system in place.

12. Prohibit cruise control usage on heavy commercial vehicles unless it is adaptive.

Adaptive cruise control with active braking should be the only type of cruise control allowed on heavy commercial vehicles. This is the type of cruise control with which one sets the speed and the distance to be maintained between the truck and the vehicle in front of it. When that distance is encroached, the truck automatically slows down to re-establish that distance cushion.

TRUCK SAFETY COALITION

Parents Against Tired Truckers and Citizens for Reliable and Safe Highways

2014 Truck Safety Issues Summary

Safety and Enforcement

Minimum Insurance Levels for Motor Carriers
Minimum levels of insurance for motor carriers have not been increased in over 30 years and are woefully deficient. Consequently a very large portion of the damages and losses caused by elements of the trucking industry are imposed upon both the American motoring public and taxpayers. If the entire industry were to be required to absorb the losses it causes, there would be significant changes which would result in safer highways for all. The Truck Safety Coalition supports regulatory and legislative actions that would increase minimum insurance levels immediately, and periodic evaluations to provide for future increases necessitated by inflation and rising health care costs.

- Immediate increase for over 30 years of inflation without a single increase in levels.
- Regular, periodic increases for inflation and health care costs.
- Release the overdue minimum insurance study – a requirement in MAP-21.

Underride: Rear/Front/Side Guards
The federal government should require all trucks and trailers to be equipped with energy-absorbing rear impact guards mounted lower to the ground (16 inches), with vertical supports spaced farther apart (mounted 18 inches from the side edges) to effectively protect car occupants from death and injury in rear impact crashes. This safety technology is proven and well known. Actions must be taken to improve the current rear guard regulation and to include side panel and front underride (also referred to as front override) guard requirements.

- Insurance Institute for Highway Safety (IIHS) studies support the need for an improved underride guard rule - rulemaking is long overdue.
- Immediate rulemaking for improved rear underride guards – lower, wider, more energy absorbing.
- Accelerate process for research and rulemaking for front underride guards and for side guards.

FMCSA Oversight and Enforcement
The FMCSA oversees more than 500,000 motor carriers and 3.5 million drivers on a budget that is relatively small when compared with other agencies.

- **Increase funding** to ensure agency accountability in advancing truck safety issues and to expand oversight and compliance efforts.
- **FMCSA's Compliance, Safety, Accountability (CSA) Program** – CSA rates drivers and carriers based on several safety categories, called BASICS. The Crash Indicator BASIC uses prior crash history, which currently is the best indicator of future crash involvement, as one aspect of the overall rating system. Research has shown that a past truck crash, regardless of fault, increased the likelihood of

involvement in a future crash by 87 percent. In spite of this high correlation to future crash risk, members of the trucking industry would seek to eliminate crashes from the Crash Indicator database by having the FMCSA make secret determinations of causation in crashes challenged by the industry.

- The TSC opposes adding a process to eliminate crash data. This unnecessary process will open the door for tampering with the crash data and will reduce the efficiency of FMCSA's CSA program.
- The TSC supports preserving the Crash BASIC as is; and, expanding public access to data and safety ratings.

Controlled Substances
The TSC supports measures to test and track the use of illegal drugs, as well as legal drugs which cause fatigue and drowsiness.

- Implement of Drug and Alcohol Clearinghouse (MAP-21).
- Permit usage of hair testing.
- Expedite rulemaking on review/regulation of Schedule II drugs.

Truck Size and Weight

Making existing trucks heavier increases crash risk due to poorer braking and a higher proclivity for roll over. It also results in more force and destruction in crashes. Bigger, heavier trucks produce more roadway and bridge wear and compromise the infrastructure. Studies have shown that longer, heavier trucks operate with lower safety margins on both Interstate and lower class roads. The TSC strongly supports retaining the 1995 legislated freeze on longer combination vehicles (LCVs) and the current federal size and weight limits and opposes any special interest exemptions.

- **The TSC supports maintaining current truck size and weight limits (TSW).**
- **The TSC opposes any "states option" for TSW increases.**

Comprehensive Truck Size and Weight Study (Study) (MAP-21)
Although the TSC supported the Study, we have expressed concerns of bias and conflict of interest in the Study process and with Study participants from the beginning. These issues were raised with DOT officials, both in meetings and in letters. As a result, a peer review process was added to the study, and is being conducted by the Transportation Research Board (TRB). We now also have concerns with the TRB peer review committee process. As a result of ongoing issues of bias, and the lack of a fair and balanced approach, the TSC can no longer support the Study process and its results.

National Freight Plan (MAP-21)
The National Freight Plan is a tremendous opportunity to envision a comprehensive freight plan that expands intermodal transportation and reduces freight related fatalities and injuries, environmental impacts, and unfunded costs.

- TSC supports actions to ensure the Freight plan has safety as a priority and is balanced.

Technology

Electronic Logging Devices (MAP-21)
MAP-21 requirement for rulemaking within one year, by July 2013, is now long overdue.

- TSC supports immediate rulemaking.

Speed Governors
Rulemaking has continually been pushed back and is long overdue.

- TSC supports immediate rulemaking for speed governors, set to 65 mph, in all commercial vehicles.

Proven Crash Avoidance Technologies
The Truck Safety Coalition supports requirements for proven life-saving technology and actions including:

- Immediate rulemaking for electronic stability control;
- Initiate rule making process for forward collision avoidance and mitigation systems;
- Lane departure warning systems – include heavy trucks in testing, complete necessary research for future rule making; and,
- Removal of excise tax on safety equipment to encourage adaptation of safety technologies.

Driver Conditions and Compensation

Truck Driver Compensation Structure
The TSC supports changes to the compensation structure for truck drivers to ensure truck drivers are paid for every hour worked, and to discourage dangerous behavior that exits under the current pay by the mile scheme such as driving long and fast.

Jason's Law
TSC supports adequate funding:

- to expand existing truck rest stops and facilities and to build new truck rest stops; and,
- to ensure that truck drivers have safe and convenient access to rest stops and facilities.

Comprehensive Truck Driver Training
Support a requirement for comprehensive truck driver training including behind the wheel.

- MAP-21 requirement – the rule is now past due.

Truck Driver Fatigue and Hours of Service (HOS)
The U.S. Department of Transportation (DOT) and the National Transportation Safety Board (NTSB) have repeatedly cited fatigue as a major factor in truck crash causation. The current federal Hours of Service (HOS) regulations allow truck drivers to drive up to 11 hours within a 14 hour work day, a demanding and exhausting schedule. The Truck Safety Coalition supports the following efforts to reduce fatigue:

- prevent exemptions from HOS requirements;
- immediately issue the electronic logging devices (ELDs) rule and begin implementation;
- support efforts to implement sleep apnea screening and rulemaking; and,
- preserve the current 34 hour re-start and 30-minute break HOS requirements.

2020 14th Street N, Suite 710, Arlington, Virginia 22201
703-294-6404 www.trucksafety.org

Statement of

THE AMERICAN TRUCKING ASSOCIATIONS, INC.

Before the

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

HEARING ON IMPROVING THE EFFECTIVENESS OF THE FEDERAL SURFACE TRANSPORTATION SAFETY GRANT PROGRAM

JANUARY 28, 2014

American Trucking Associations
950 N. Glebe Road, Suite 210
Arlington, VA 22203-4181

Introduction
This testimony is offered on behalf of the American Trucking Associations (ATA). ATA is the national trade association for the trucking industry and is a federation of affiliated State trucking associations, conferences, and organizations that together have more than 37,000 motor carrier members representing every type and class of motor carrier in the country.

ATA Supports The Motor Carrier Safety Assistance Program
ATA has been an advocate for the Motor Carrier Safety Assistance Program (MCSAP) since its inception in the early 1980s. Since that time, the number of roadside truck inspections has risen exponentially from fewer than 200,000 in 1984, to more than 3.4 million in 2013. Also during this period, ATA has consistently supported calls to increase funding for the MCSAP program.

ATA is also an advocate for ensuring that federal funds are used most efficiently and yield the greatest safety benefits possible. To this end, we believe that it is appropriate to take a critical look at the MCSAP program and determine if the model can be improved to bring about more value. There is no doubt that MCSAP has resulted in safety gains, but the better question is this: could we achieve even greater results with the same financial investment?

Changes to MCSAP Requirements Would Yield Greater Safety Benefits
Field enforcement activities under MCSAP typically fall into two broad categories: roadside inspections and traffic enforcements. Standard roadside inspections are typically conducted at fixed sites and consist of an inspection of the vehicle and a review of its driver's credentials (e.g., license and medical examiner's certificate) as well as his/her hours of service logs. Traffic enforcement, on the other hand is comprised of two distinct activities: a traffic stop as a result of a moving violation and a subsequent, limited inspection of the vehicle and/or its driver's paperwork and credentials.

Periodically, FMCSA evaluates the effectiveness of these field enforcement activities. The most recent review, entitled *FMCSA Safety Program Effectiveness Measurement: Intervention Model Fiscal Year 2009,* was published in April 2013. This document measured the efficacy of roadside inspections and traffic enforcements in terms of crashes avoided, injuries avoided, and lives saved.

What FMCSA's April 2013 report found, like with previous such reports, provides a roadmap for reaping greater safety benefits from the MCSAP program. Specifically, the document pointed out that **every 1,000 traffic enforcements prevented 12.05 crashes compared to 2.7 crashes per 1,000 roadside inspections. Similarly, .41 lives were saved per 1,000 traffic enforcements compared with .09 lives per 1,000 roadside inspections. In other words, traffic enforcements are more than four times more effective at preventing crashes and saving lives.**

The table below, taken from the FMCSA effectiveness report, shows the breakdown of crashes and injuries avoided and lives saved by roadside inspections and traffic enforcements respectively.

Table 7. Program Effectiveness: U.S. Domiciled vs. Non-U.S. Domiciled Carriers, FY 2009

Types of Benefits	Estimated Benefits: U.S.	Estimated Benefits: Non-U.S.	Estimated Benefits per 1,000 Interventions: U.S.	Estimated Benefits per 1,000 Interventions: Non-U.S.
Crashes Avoided Due to Roadside Inspections	6,768	1,375	2.70	4.91
Crashes Avoided Due to Traffic Enforcements	8587	201	12.05	11.13
Total Crashes Avoided	***15,355***	***1,576***	***4.77***	***5.29***
Injuries Avoided Due to Roadside Inspections	4,324	878	1.72	3.14
Injuries Avoided Due to Traffic Enforcements	5486	128	7.70	7.11
Total Injuries Avoided	***9,810***	***1,006***	***3.05***	***3.38***
Lives Saved Due to Roadside Inspections	229	47	0.09	0.17
Lives Saved Due to Traffic Enforcements	290	7	0.41	0.37
Total Lives Saved	***519***	***54***	***0.16***	***0.18***

Data Support More Emphasis on Traffic Enforcements

Given this compelling data it would seem logical to place more emphasis on traffic enforcements than on roadside inspections. However, figures available on FMCSA's website indicate that traffic enforcements only comprise a small portion of field enforcement interventions. For instance, in fiscal year 2013 traffic enforcements represented only 10% of all such activities. Further, this same website (shown on the following page) reflects that the portion of field enforcement activity devoted to traffic enforcements has been declining dramatically, despite FMCSA research finding that it is more than four times more beneficial. For instance, the number of traffic enforcements in FY 2010 totaled 637,385, but dropped a whopping **39%** to 388,004 in FY 2013. FMCSA's website shows this slide continuing into FY 2014, with traffic enforcements down another 19% in the first four months of FY 2014 (year over year).

FMCSA's program effectiveness document points out that the ***"evaluation provides FMCSA and State MCSAP partners with a quantitative basis for optimizing the allocation of safety resources in the field."*** This statement is true, but it appears as though FMCSA and it state partners have not actually used the evaluation for this purpose. If the agency had done so, we would have observed an increase in traffic enforcement activity. The document goes on to say that FMCSA's effectiveness model provides the agency with ***"... information to address the requirements of the Government Performance and Results Act of 1993 (GRPA), which obligates Federal agencies to measure the effectiveness of their programs as part of the budget cycle process."*** If the GRPA requires agencies to measure the effectiveness of their programs, surely the intent of the statute is to compel agencies to identify - and implement – ways that they can be more effective.

Traffic Enforcements by Month

Month	FY2010			FY2011			FY2012			FY2013			FY2014		
	Count	Driver	Total	Count	Driver	Total	Count	Driver	Total	Count	Driver	Total	Count	Driver	Total
October	196	59,527	59,723	169	53,503	53,672	161	47,020	47,181	73	35,852	35,925	50	32,467	32,517
November	167	54,364	54,531	190	47,761	47,951	166	44,049	44,215	48	30,713	30,761	30	28,542	28,572
December	116	45,608	45,724	147	43,007	43,154	180	41,334	41,514	43	26,694	26,737	35	25,125	25,160
January	127	46,065	46,192	258	44,540	44,798	204	42,273	42,477	137	31,172	31,309	55	15,188	15,243
February	123	43,197	43,320	197	41,691	41,888	194	40,672	40,866	81	29,116	29,197	0	0	0
March	162	57,162	57,324	270	53,348	53,618	148	43,673	43,819	67	31,683	31,750	0	0	0
April	152	50,642	50,794	191	46,330	46,521	198	40,377	40,575	78	33,836	33,914	0	0	0
May	228	50,685	50,913	206	48,478	48,684	117	45,469	45,586	62	34,444	34,506	0	0	0
June	153	57,217	57,370	241	49,604	49,845	151	43,358	43,510	84	31,586	31,670	0	0	0
July	190	53,969	54,159	226	45,331	45,557	104	40,560	40,664	97	33,746	33,843	0	0	0
August	256	57,902	58,158	245	54,444	54,689	77	43,243	43,320	68	35,651	35,719	0	0	0
September	251	58,926	59,177	212	50,355	50,567	70	36,290	36,360	77	32,596	32,673	0	0	0
Total	2,121	635,264	637,385	2,552	578,392	580,944	1,768	508,318	510,087	915	387,089	388,004	170	101,322	101,492

Data Source: FMCSA Motor Carrier Management Information System (MCMIS) data snapshot as of **1/24/2014**, including current year-to-date information for 2014. The data presented above are accurate as of this date, but are subject to update as new or additional information may be reported to MCMIS following the snapshot date.

Congress Should Require That MCSAP Funds Be Used More Efficiently

In authorizing and appropriating resources for the MCSAP program, Congress has both the ability and obligation to require that the funds be used as efficiently and effectively as possible. To that end, Congress should require that FMCSA monitor the percentage of funds state partners use for various enforcement interventions and require that states devote a sizable portion to traffic enforcements in order to achieve greater safety results. Further, Congress should require that FMCSA progressively increase these proportions over a period of several years.

The following sample portion of a chart taken from FMCSA's program effectiveness document provides a model for how FMCSA could measure state progress in this area and provide corresponding performance targets.

State	Total Interventions Initiated	Number of Roadside Inspections	Est. Crashes Avoided	Est. Injuries Avoided	Est. Lives Saved	Est. Crashes Avoided per 1,000 Inspections	Est. Injuries Avoided per 1,000 Inspections	Est. Lives Saved per 1,000 Inspections
Alabama	43,559	36,922	106.07	67.76	3.59	2.87	1.84	0.10
Alaska	9,926	8,626	19.14	12.23	0.65	2.22	1.42	0.08
Arizona	69,452	45,080	196.43	125.49	6.64	4.36	2.78	0.15
Arkansas	41,953	32,894	95.54	61.03	3.23	2.90	1.86	0.10
California	523,903	458,312	541.45	345.90	18.31	1.18	0.75	0.04
Colorado	56,458	44,782	175.07	111.84	5.92	3.91	2.50	0.13
Connecticut	18,796	12,403	63.92	40.83	2.16	5.15	3.29	0.17
Delaware	5,010	2,922	7.99	5.10	0.27	2.73	1.75	0.09

By adding a column to track the number of traffic enforcements and the corresponding percentage of total enforcement actions they represent by state, FMCSA could measure state performance and establish targets. Alternatively, FMCSA could monitor state performance in terms of estimated lives saved per 1,000 interventions (far right column) and require states to achieve certain performance objectives. For example, since the average lives saved per 1,000 traffic enforcement activities is .41, FMCSA could initially require states to achieve an overall mark of .20 lives saved per 1,000 interventions, and gradually increase this target.

Why Some Stakeholders Might Object and Why Congress Should Proceed

Some stakeholders have stated that FMCSA's figures with respect to the percentage of interventions comprised of traffic enforcements are misleading. Specifically, some believe there is some traffic enforcement activity being conducted under MCSAP that is not being captured or counted by FMCSA.

ATA finds these statements concerning on a few levels. First, the potential that MCSAP funds are being used for enforcement activity that is not being captured and counted is troubling. Also, ATA doubts that such uncounted activity is significant and, even if captured, may not materially change the imbalance between roadside inspections and traffic enforcements.

One cause of this imbalance may be institutional. Several of the MCSAP state lead enforcement agencies do not have traffic enforcement authority, so an increase in traffic enforcement would require these agencies to pass some MCSAP funds to other state agencies. Also, because they take less time to conduct generally, roadside inspections reflect more "activity" (e.g., raw number of inspections and corresponding violations). For this reason, states may be reluctant to engage in doing traffic enforcements, even though they are more effective according to FMCSA, because it might appear as though they are doing "less" with the MCSAP funds.

Conclusion

ATA has been a strong proponent of the MCSAP program since its inception and has consistently called for increases in MCSAP funding. Indeed, the program has brought about measurable improvements in commercial motor vehicle safety over the past few decades. However, it makes good sense to periodically assess the program to identify ways that it can be more effective.

Given the findings identified in FMCSA's program effectiveness report, and FMCSA's stated goal to be a data-driven agency, it's clear that an increasing percentage of MCSAP funds should be devoted to traffic enforcement activity coupled with inspection activity. To this end, Congress should require FMCSA to carefully monitor the portion of each state's field enforcement activities devoted to traffic enforcements and require states to reach progressive targets in this area. Only then will the MCSAP program be moving toward FMCSA's and ATA's mutual objective of a program that yields the greatest safety benefits.

TRUCK SAFETY COALITION

February 10, 2014

The Honorable Bill Shuster
Chair
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, D.C. 20515
Via email Adam.twardzik@mail.house.gov

The Honorable Nick J. Rahall
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, D.C. 20515
Via email Helena.Zyblikewycz@mail.house.gov

Dear Chairman Shuster and Ranking Member Rahall:

The Truck Safety Coalition (TSC) is a partnership between Parents Against Tired Truckers (P.A.T.T.) and Citizens for Reliable and Safe Highways (CRASH). We represent the thousands of families who lose loved ones, and the tens of thousands who are injured, each year in truck crashes. As a result of our volunteers' first-hand experience with the devastating impacts caused by truck safety deficiencies, they have gained a unique perspective on truck safety issues that is vital to consideration of highway safety policy. We respectfully request that a representative of the TSC be allowed to testify at any Transportation and Infrastructure Committee and Subcommittee on Highways and Transit hearings regarding highway and truck safety, and in preparation for the upcoming reauthorization of the Moving Ahead for Progress in the 21st Century Act, commonly referred to as MAP-21 (Pub. L. 112-141).

The Committee's recent hearing, "Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs" explored the most effective and innovative safety projects and activities, and sought suggestions for improvements from stakeholders. Testimony and information provided during the hearing will inform safety program and policy decisions throughout the transportation bill reauthorization process. Public safety within the transportation system is under the greatest threat on our nation's roadway and highway networks. It is on our highways and roadways that the overwhelming majority of freight related fatalities and injuries occur due to the direct, daily interaction between large trucks and passenger vehicles, and due to the significant size and weight differential between large trucks and passenger vehicles. The frequency and severity of interactions between freight moved on trucks and the motoring public must be taken into account, and solutions identified, to significantly improve highway safety. These considerations are vital to deliberations over policy in the transportation reauthorization bill and to the current effort toward the creation of a cohesive national freight policy.

Our organizations have identified a list of safety priorities for consideration in Congressional efforts to elevate the safety of our highways, roadways and the motoring public. Based on our decades of work to promote truck safety, the following advances should be sought:

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- **Increased Minimum Insurance Levels for Motor Carriers -** Minimum levels of insurance for motor carriers have not been increased in over 30 years and are woefully deficient. Consequently a very large portion of the damages and losses caused by elements of the trucking industry are imposed upon both the American motoring public and taxpayers. If the entire industry were required to absorb the losses it causes, there would be significant changes which would result in safer highways for all. The TSC supports regulatory and legislative actions that would increase minimum insurance levels immediately, and periodic evaluations to provide for future increases necessitated by inflation and rising health care costs.

- **Improved Underride Protections: Rear/Front/Side Guards -** The federal government should require all trucks and trailers to be equipped with energy-absorbing rear impact guards mounted lower to the ground (16 inches), with vertical supports spaced farther apart (mounted 18 inches from the side edges) to effectively protect car occupants from death and injury in rear impact crashes. This safety technology is proven and well known. Actions must be taken to improve the current rear guard regulation and to include side panel and front underride (also referred to as front override) guard requirements.

- **Expansion of FMCSA Oversight and Enforcement -** The Federal Motor Carrier Safety Administration (FMCSA) oversees more than 500,000 motor carriers and 3.5 million drivers on a budget that is relatively small when compared with other transportation agencies. Funding for FMCSA must be increased to ensure agency accountability in advancing truck safety issues and to expand oversight and compliance efforts.

  FMCSA's Compliance, Safety, Accountability (CSA) Program rates drivers and carriers based on several safety categories, called BASICS. The Crash Indicator BASIC uses prior crash history, which currently is the best indicator of future crash involvement, as one aspect of the overall rating system. Research has shown that a past truck crash, regardless of fault, increased the likelihood of involvement in a future crash by 87 percent. In spite of this high correlation to future crash risk, members of the trucking industry would seek to eliminate crashes from the Crash Indicator database by having the FMCSA make secret determinations of causation in crashes challenged by the industry.
    - TSC opposes adding a process to eliminate crash data. This unnecessary process will open the door for tampering with the crash data and will reduce the efficiency of FMCSA's CSA program. TSC supports preserving the Crash BASIC as is.
    - TSC supports efforts to maintain and expand public access to data and safety ratings. Any attempts to hide data that is based on activity on public roads and provided by law enforcement, both of which are funded by taxpayers, should be resisted.

  The U.S. Government Accountability Office (GAO) recently released their report on the CSA program. While GAO did make recommendations to improve CSA, overall GAO agreed with CSA's data driven, risk based approach. Additionally, the report confirms FMCSA's claim that

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the CSA program has helped the agency contact or investigate more motor carrier companies and that it is an improvement over the previous system, SafeStat.

- **Adoption of Truck Safety Technology** - TSC supports immediate rulemaking for the following proven truck safety technology:
    - Electronic Logging Devices (ELDs) - MAP-21 required rulemaking for ELDs within one year, by July 2013, and it is now long overdue. TSC supports immediate rulemaking.
    - Speed Governors - Rulemaking has continually been pushed back and is long overdue. TSC supports immediate rulemaking for speed governors, set to 65 mph, in all commercial vehicles.

  TSC supports requirements and actions to advance crash avoidance technology:
    - Immediate rulemaking for electronic stability control;
    - Initiate rulemaking process for forward collision avoidance and mitigation systems;
    - Include heavy trucks in testing of lane departure warning systems, and complete the necessary research for future rule making; and
    - Remove excise tax on safety equipment to encourage adaptation of safety technologies.

- **Improved Truck Driver Working Conditions and Compensation** – TSC supports the following initiatives to improve truck driver health and safety:
    - Reform of Truck Driver Compensation Structure - The TSC supports changes to the compensation structure for truck drivers to ensure truck drivers are paid for every hour worked, and to discourage dangerous behavior that exists under the current pay by the mile scheme such as driving long and fast.
    - Funding for Jason's Law - TSC supports adequate funding to expand existing truck rest stops and facilities and to build new truck rest stops in order to ensure that truck drivers have safe and convenient access to rest stops and facilities.
    - Comprehensive Truck Driver Training Requirements – TSC supports a requirement for comprehensive truck driver training including behind the wheel. Driver training is a MAP-21 requirement, and the rule is now past due.
    - Actions to Reduce Truck Driver Fatigue and Hours of Service (HOS) - The U.S. Department of Transportation (DOT) and the National Transportation Safety Board (NTSB) have repeatedly cited fatigue as a major factor in truck crash causation. The current federal Hours of Service (HOS) regulations allow truck drivers to drive up to 11 hours within a 14 hour work day, a demanding and exhausting schedule. TSC supports the following actions to reduce fatigue: eliminate exemptions from HOS requirements; immediately issue the ELDs rule and begin implementation; support efforts to implement sleep apnea screening and rulemaking; and preserve the current 34 hour re-start and 30-minute break HOS requirements.

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- **Retention of Truck Size and Weight Limits** - Making existing trucks heavier results in more force and destruction in crashes. It also increases crash risk due to poorer braking and a higher proclivity for roll over. Bigger, heavier trucks produce more roadway and bridge wear and compromise the infrastructure. Studies have shown that longer, heavier trucks operate with lower safety margins on both Interstate and lower class roads. The TSC strongly supports retaining the 1995 legislated freeze on longer combination vehicles (LCVs) and the current federal size and weight limits and opposes any special interest exemptions. We oppose any "state option" to increase truck size and weight limits as history has shown that this results in de facto nationwide increase.

- **Restoration of Fairness and Balance to the Comprehensive Truck Size and Weight Study (Study)** -Although the TSC supported the Study, mandated by Congress in MAP-21, we have expressed concerns of bias and conflict of interest in the Study process and with Study participants from the beginning. These issues were raised with DOT officials, both in meetings and in letters. Consequently, a peer review process was added to the study, and is being conducted by the Transportation Research Board (TRB). As a result of TRB's Peer Review Committee selection process, we now have concerns with the peer review process. Another major concern is the lack of safety data and the questionable shortcuts being used because of pressures due to the Study's tight timeline. For example, using data supplied by organizations and carriers that advocate for truck weight increases, or data collected in states that are not representative of the rest of the country will lead to bad data and flawed results. Unless there are significant steps taken to remove issues of bias and restore the Study to a fair and balanced process, the TSC will not support the Study and its results.

- **Assurance of a Safety Focused National Freight Plan** - The National Freight Plan is a tremendous opportunity to envision a comprehensive freight plan that supports increasing demands for freight while reducing freight related fatalities and injuries, environmental impacts, and unfunded costs. This can be accomplished by expanding intermodal transportation and the use of modes that are safer, environmentally responsible, infrastructure preserving and cost effective. TSC supports actions to ensure the Freight plan prioritizes safety.

Hearing participants discussed commercial motor vehicle (CMV) exemptions to safety regulations, and the consequent reduction in CMV safety and impact on grant funding. Sergeant Fuller explained that crash rates directly impact Commercial Vehicle Safety Alliance (CVSA) safety programs whose grant monies are dependent on the program's performance; the specified issue was that CMV exemptions for the Agricultural Industry that were included in MAP-21, can cause a decrease in CMV safety that results in a reduction of grant money to the CVSA. In this case, reducing funding for CVSA appears to be neither fair - CVSA has no authority to permit or revoke CMV exemptions - nor productive to restoring CMV safety. Alternate solutions that would remove or reconfigure crash data are not appropriate either due to the high potential for data corruption.

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A process to request an exemption to CMV regulations is available to industry through the FMCSA. This process includes safety considerations and the ability to revoke the exemption if the safety standard is not upheld. As a result of the existing FMCSA process, exemptions to safety regulations should not be permitted through the legislative process. Safety is not unique to certain types of CMVs or carriers or cargo. If the same types of vehicles are being operated on the same roadways, the same set of rules should apply. Exemptions from FMCSA regulations can compromise safety, erode uniformity and weaken enforcement efforts.

Thank you for your time and consideration. We respectfully request that this letter be submitted to the hearing record.

Sincerely,

Jane Mathis
Board Member, Parents Against Tired Truckers
Member, FMCSA's Motor Carrier Safety Advisory Committee

Jennifer Tierney
Board Member, Citizens for Reliable and Safe Highways
Member, FMCSA's Motor Carrier Safety Advisory Committee

John Lannen
Executive Director, Truck Safety Coalition
Member, FMCSA's Motor Carrier Safety Advisory Committee

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